

TABLE OF CONTENTS

SECTION 1	1
INTRODUCTION TO MICHIGAN'S CONSERVATION DISTRICTS.....	1
Conservation Districts and How They Operate	1
The Purpose of Conservation Districts	1
How Conservation Districts are Funded	2
How Conservation District Programs are Conducted	2
How a Landuser Receives Assistance from Their District	2
Conservation Districts in Other States	3
 SECTION 2	 4
LEGAL POWERS & RESPONSIBILITIES	4
Conservation District's Legal Powers	4
Conservation District's Responsibilities to Maintain its Legal Status as an Entity of Government	5
Other Legal Responsibilities of a Conservation District	6
Conservation District Liability	11
Conservation District Name Change Petition	12
 SECTION 3	 13
DISTRICT DIRECTORS' DUTIES & RESPONSIBILITIES	13
Starting as Conservation District Director	13
Rights and Privileges Conservation District Directors are Entitled	13
Duties of District Board Members	13
Duties of the Chair	15
Duties of the Vice-Chair	16
Duties of the Secretary	16
Duties of the Treasurer	16
Operation's Grant Activities Required of a Conservation District Director	17
Recommended List of District Policies	17
A Note on Diversity of the Board	18
Deposit of Conservation District Funds	18
Bonding Policy	18

SECTION 4	19
HIRING AND EMPLOYMENT GUIDELINES	19
District Employment Guidelines	19
Fringe Benefits	20
Legal Requirements	21
Staff Board Liaison	21
Training	21
Personnel Policies	21
Position Descriptions	22
Compensatory Time	22
Employee Evaluations	24
Interviewing Guide	25
What is an Interview?	25
Interview Summary	33
Example: Vacancy Announcement for Administrator	33
Example: Working Agreement	35
Example: Amendment to the Working Agreement	39
Mandatory State and Federal Employment Posters	39
Mandatory Federal Posters	39
Mandatory State Posters	40
 SECTION 5	 42
TAXES & OTHER FORMS DISTRICTS NEED TO FILE	42
Income Tax: Form W-4 and MI-W4	42
Form 941 and Form 8109	42
W-2 Form, W-3 Form, and Form 1099-Misc.	42
Form SS - 8	42
Form 160 and Form 165	43
MESC Forms: 1017e	43
Form I-9	43
Board Members	43
Workers' Compensation	44
State Sales Tax	44
Land Improvement	45
Sales Tax Exemption	45
Suggested Certificate Form	46
PI-184 Certificate of Inspection	46
IRS Offices in Michigan & Where to Obtain Forms	46

SECTION 6	47
REGULAR AND SPECIAL MEETINGS	47
Open Meetings Act	47
District Board Meeting Agendas	50
District Board Meeting Minutes	52
Minutes Checklist	56
 SECTION 7	 58
ANNUAL MEETING REQUIREMENTS	58
Rules for Conducting District Director Elections	58
Annual Meeting Requirements	58
Procedure for Conducting an Election	59
List of Forms for Use in Director Elections And Retention Schedule	62
Example: Nominating Petition	64
Example: Voter Registration and Qualification Card	67
Example: Ballot	67
Helpful Hints in Conducting Director Elections	68
Oath of Office	70
Certificate of Directors Election Results	71
Annual Meeting Check List	72
 SECTION 8	 74
ANNUAL REPORT	74
 SECTION 9	 76
REPORTING, RETENTION AND DISPOSAL SCHEDULES	76
Reporting Schedule to Michigan Department of Agriculture	76
Retention & Disposal Schedule	77
 SECTION 10	 79
CONDUCTING A TREE SALE	79
Statutory Requirements Pertaining to Conservation Districts that Produce and Sell or Deal in Tree Planting Stock	79
What the District Law Says About Selling Conservation Species	81

SECTION 11	83
PARTNERS	83
Michigan Department of Agriculture (MDA)	83
USDA Natural Resources Conservation Service (NRCS)	84
Michigan Association of Conservation Districts (MACD)	85
Michigan Association of Conservation District Employees (MACDE)	86
National Association of Conservation Districts (NACD)	86
Districts Partnering with Districts	86
Other Partners in Conservation	88
 APPENDIX A	 90
ACRONYMS	90
 APPENDIX B	 95
TAX FORM SAMPLES	95
 APPENDIX C	 96
CONSERVATION DISTRICT LAW	96

PREFACE

The information presented in the Operations Handbook is designed to help District staff and directors better understand how Conservation Districts operate. Specific details on how to carry out District programs are contained in this Handbook, which can be found in every District office.

The powers and responsibilities of a Conservation District are broad. By reading the section covering Legal Powers and Responsibilities you will gain good insight to the things Conservation Districts can, should, and must do.

If you have questions regarding programs or the operation of Michigan's Conservation Districts please feel free to contact:

Michigan Department of Agriculture - Environmental Stewardship Division

525 West Allegan Street
P.O. Box 30017
Lansing, Michigan 48909
Telephone: 517/241-0236
Fax: 517/335-3329
E-mail: shines@michigan.gov
Or visit our Website at: www.michigan.gov/mda

or

Michigan Association of Conservation Districts

201 N. Mitchell Street, Suite 301
Cadillac, Michigan 49601
Telephone: 231/876-0346
Fax: 231/876-0372
E-Mail: mdistricts@aol.com
Or visit our Website at: www.macd.org



SECTION 1

INTRODUCTION TO MICHIGAN'S CONSERVATION DISTRICTS

Conservation Districts and How They Operate

A Conservation District is a governmental subdivision of this state (Districts are not considered non-profit organizations) organized by the people within the District boundaries under provisions of the *Soil Conservation District Law*, Public Act 297 of 1937, as amended. As such, it is a locally controlled resource management agency, created by concerned landowners and administered by a publicly elected board of directors. In 1994, the *Conservation District Law* was made part of the Compiled Environmental Code, Part 93, Public Act 451 of 1994, as amended. It was further amended by Public Act 463 of 1998 and Public Act 107 of 2002. MDA has been charged with oversight of the conservation districts.

The locally elected five-member board of directors makes all decisions regarding the District's programs and activities. The directors hire qualified staff to conduct and carry out the programs and activities that have been approved. These programs provide technical assistance, information, and education to assist people in the District to properly manage their natural resources. Currently Michigan has 80 Conservation Districts, which are generally organized along county boundaries.

The Purpose of Conservation Districts

Major goals of a Conservation District and its programs are to:

- Reduce wind and water erosion, and control sedimentation in waters.
- Encourage conversion of all mismanaged land to a productive use.
- Encourage use of effective methods of surface and groundwater management.
- Facilitate landuse and landuse changes based on land capabilities and user goals.
- Enhance and protect the basic ability of land to produce food and fiber.
- Promote the maintenance of aesthetic values of land and its related resources.
- Control non-point sources of pollution to surface water, groundwater, and air.

How Conservation Districts are Funded

District funding sources include state appropriations, county and other local governmental appropriations, and locally initiated and conducted fund raising activities. Conservation District directors are responsible for developing funding sources for the operation of the Conservation District and for the conduct of programs that focus on solving resource issues.

How Conservation District Programs are Conducted

To effectively carry out its programs, a Conservation District should:

1. Establish a mission with a strategic/long-range plan and resource assessment for the District and a calendar of actions and annual goals leading to the accomplishment of the plan's overall goals;
2. Develop an annual program of activities and responsibilities based on the strategic/long-range plan; and
3. Utilize directors, District staff, technical personnel, and cooperating agencies in planning and implementing various phases of the District program.

How a Landuser Receives Assistance from Their District

District assistance to a landuser may be in the form of a recommended solution to a specific problem or may involve development of a complete conservation plan for a given land area. To receive assistance:

1. A landuser requests assistance from the District.
2. District reviews the request, and assigns assistance based on its program plan and staff available in accordance with state and federal Civil Rights Laws.
3. Technical personnel review problems on site with the user.
4. Recommendations are developed with alternatives.
5. Landuser, in cooperation with technicians, select preferred recommendations and/or alternatives.
6. Landuser implements recommendations and technicians assist where needed.
7. District maintains contact with landuser to offer further assistance if and when needed.

Implementation of recommendations is voluntary on the part of the landuser who bears most or all of installation costs.

Through grants from several state and federal programs (e.g. Michigan Groundwater Stewardship Program or 319), Districts may be able to offer additional assistance to landusers in the form of cost-share for various conservation and environmental risk reducing activities.

Conservation Districts in Other States

More than 3,000 locally governed Conservation Districts are organized and operate throughout the United States. These entities of government are charged with the responsibility of conducting programs to assist landusers in controlling erosion, managing water resources, and using land within its capabilities.

SECTION 2 LEGAL POWERS & RESPONSIBILITIES

Conservation District's Legal Powers

These powers, fully detailed in Part 9308, Act 451 of 1994, as amended, are outlined as follows:

1. Conduct surveys, investigations and research relating to the conservation of farmland and natural resources, and to publish results.
2. Conduct demonstration projects on conservation methods and measures.
3. Carry out preventive and control measures on lands owned or controlled by the state or on private lands upon obtaining consent of owner.
4. Cooperate or enter into agreements with agencies, governmental or otherwise, or any landowner in carrying out erosion control or prevention measures.
5. Own or lease property, earn income from that property, sell or lease that property, and use funds obtained to support District activities as provided by law.
6. Make available services, machinery and materials, which will assist land users to establish conservation measures on their lands, according to terms prescribed by the District.
7. Engage in plant rescue operations; plant, harvest, and sell only conservation species indicated on the list as established in Part 9304 of Public Act 451 of 1994 as amended.
8. Provide technical assistance to other Conservation Districts.
9. Construct, improve, and maintain structures and measures necessary to carry out operations authorized in the Act.
10. Develop comprehensive plans for conservation of farmland and natural resources and for control and prevention of soil erosion.
11. Take over by purchase, lease or otherwise, to administer any farmland and natural resource conservation project located in the District, which has been established by any agency of state or federal government; or to manage as agent of any agency of state or federal government any farmland and natural resource conservation project within the District, including acquisition, construction, operation and administration.

12. Accept donations, gifts, monetary contributions, services materials or otherwise from any state, federal or other source to use or expend in carrying out District operations.
13. Sue and be sued in the name of the District; have perpetual succession; have a seal that is judicially noticed; make and execute contracts and other instruments to exercise powers; and make, amend and repeal rules and regulations to put into effect its purposes and powers.
14. Borrow money for facilities or equipment for conservation purposes and pledge the assets of the District as collateral against loans. Money borrowed is the sole obligation of the District.
15. Require contributions in money, services, materials or otherwise for extending benefits provided under the Act to private land owners, and may require landowners to enter into and perform agreements or covenants as to the permanent use of the lands that will tend to prevent or control erosion.
16. Act as compliance assistance agent for other federal, state, and county laws.
17. Act as the enforcing agency for a county, if designated under Section 9105 of Public Act 451 of 1994 as amended

**Conservation District's Responsibilities to Maintain its
Legal Status as an Entity of Government**

Section 9307 of Public Act 451 of 1994, as amended, fully details the responsibilities, which are outlined as follows:

1. Establish a fiscal year. This is done by board action and can be any twelve-month period. The fiscal year can be changed at any time by subsequent board action. The Michigan Department of Agriculture has since mandated all Districts establish their fiscal year as beginning October 1 and ending September 30 of each year to coincide with the fiscal year of the State.
2. Hold an annual meeting of all District residents of legal voting age; notice of annual meeting must be published in the official paper of record for the District at least 45 days prior to the date of the event.
3. Hold an election of directors at the annual meeting; term of office shall be four (4) years. Absentee ballots shall be provided to residents unable to attend the annual meeting at any time after publication of, and prior to, the meeting date.
4. Fill board of director vacancies by appointment until next annual meeting.

5. Execute surety bonds for officers and employees entrusted with funds and equipment.
6. Keep full and accurate records of all proceedings.
7. Provide an annual audit, or a financial review as necessary, of the accounts of receipts and disbursements. For further information regarding district financial audits, please see the Michigan Conservation District Uniform Accounting Procedures Manual.
8. Provide copies of all proceedings, contracts, copies of ordinances, rules, regulations, orders, etc. to the Michigan Department of Agriculture, upon request.

Note: As a unit of government, Conservation Districts must comply with all federal and state laws and rules governing the operation of a governmental entity, such as:

- The Open Meetings Act (Public Act 267 of 1976, as amended)
- Freedom of Information Act (Public Act 442 of 1976, as amended)
- Civil Rights Acts (Public Act 220 and 453 of 1964, as amended),

For a more complete review of these Acts, see the Appendix of this handbook.

Other Legal Responsibilities of a Conservation District

Because Conservation Districts are recognized for their expertise in areas dealing with soil, water and related resources they have been written into various state laws and given a role to play in the operation of those laws. Your District office should have a copy of the full text of these laws on hand for reference. You may also access a copy of the full text at: http://www.michigan.gov/dnr/0,1607,7-153-10366_11861---,00.html.

Below is a brief description of Conservation District responsibilities concerning each of these laws.

Soil Erosion and Sedimentation Control Act, Section 9105, Public Act 451 of 1994 - the Michigan Compiled Environmental Code (formerly Public Act 347 of 1972).

This Act provides for the control of soil erosion and to protect the waters of the state from sedimentation. This Act pertains to earth changes within 500 feet of a lake or stream or which disturbs one or more acres of land. The practices of forestry, mining, or tilling and harvesting of crops are exempt from this law.

Section 9105 provides various means for Conservation District involvement. (Note: “the department” in Section 9105 refers to the Michigan Department of Environmental Quality.):

1. The Department of Agriculture, with the assistance of the Conservation Districts and in consultation with appropriate state and local agencies, shall prepare and submit to the department for the department's approval a unified statewide soil erosion and sedimentation control program.
2. The county board of commissioners, by resolution, shall designate a county agency, or a Conservation District upon the concurrence of the Conservation District, as the county enforcing agency responsible for administration and enforcement in the name of the county. The resolution may set forth fees for inspections, plan reviews, and permits and may set forth other matters relating to the administration and enforcement of this part and the rules.
3. A city, village, or charter township by ordinance may provide for soil erosion and sedimentation control on public and private land uses within its boundaries, except that a charter township ordinance shall not be applicable within a village that has in effect an ordinance providing soil erosion and sedimentation control. The city, village, or charter township may consult with a Conservation District for assistance or advice in the preparation of the ordinance.
4. A city, village, or charter township ordinance for soil and sedimentation control proposed to be adopted shall be submitted to the department for approval before adoption. The department shall forward a copy to the appropriate Conservation District for review and comment.
5. An authorized public agency or a county or local enforcing agency may enter into an agreement with a Conservation District for assistance and advice in overseeing and reviewing compliance with adequate soil erosion and sedimentation control procedures and in reviewing existing or proposed land uses, land use plans, or site plans with regard to technical matters pertaining to soil erosion and sedimentation control.
6. In addition to or in absence of such agreements, Conservation Districts may perform periodic reviews and evaluations of the agency's operation procedures pursuant to standards and specifications developed in cooperation with the respective Districts and as approved by the department. Such reviews and evaluations shall be submitted to the administering agency of the department for the appropriate action.
7. A state, local, or county agency may apply to the department for designation as an authorized public agency by submitting to the department the soil erosion and sedimentation control procedures governing all land uses normally undertaken by the agency. If the applicant is a local or county agency, the department shall submit the procedures to the appropriate Conservation District for review, and the Conservation District shall submit its comments on the procedures to the Michigan Department of Agriculture (MDA) within 60 days.

It is a good practice to review Soil Erosion and Sedimentation Control permits; however, many Conservation Districts do not. Where reviews are currently completed, the procedures for review vary widely. When in doubt, the local or county enforcing agent should be consulted for review procedures.

Inland Lakes and Stream Act, Part 301, Public Act 451 of 1994 (formerly known as Public Act 346 of 1972).

This Act regulates inland lakes and streams and protects riparian rights and public interest in inland lakes and streams. Generally, Part 301 permits are required for dredge or fill operations or changes that interfere with the natural flow of an inland lake or stream. Numerous exceptions exist under the law. Questions regarding the necessity of a 301 permit should be directed to the Department of Environmental Quality, Geological and Land Management Division.

Under Part 301, Conservation Districts:

1. Are allowed 20 days from submission of the application to review permit.
2. Can submit changes in conservation practices or inclusion of them if omitted in application.
3. May submit a written request to Department of Environmental Quality, Geological and Land Management Division for a public meeting to review the application. The purpose of the meeting would be to recommend changes in the application to the landowner and the Department of Natural Resources.

The Conservation District role is to comment on the permit application, but no action need be taken. Districts should record for the minutes that the notice has been reviewed and filed or action taken. Six months is long enough to keep this on file.

Sand Dune Protection and Management Act, Part 353, Public Act 451 of 1994 (formerly known as Public Act 222 of 1976).

This Act provides for study, protection, management and reclamation of Great Lakes sand dunes. This Act affects Conservation Districts in that:

1. Local Conservation Districts shall receive a notice of an application for permits for uses in critical dune areas. The notice shall state that unless a written request is filed with the local unit of government within 20 days after notice is mailed, the local unit of government may grant the application without public hearing.
2. After consulting with the local Conservation District, a local unit of government that has one (1) or more critical dune areas within its jurisdiction may formulate a zoning ordinance pursuant to the zoning acts noted in Sec. 35312(1)(a-c) of Part 353.

3. A zoning ordinance shall require that all applications for permits for the use of a critical dune area include in writing, among other things, assurances that the cutting and removing of trees and other vegetation will be performed according to the instructions or plans of the local Conservation District.
4. Unless a variance is granted, a zoning ordinance shall not permit the following use, among others, in a critical dune area: A structure and access to the structure on a slope within a critical dune area that has a slope that measures from 1-foot vertical rise in a 4-foot horizontal plane to less than a 1-foot vertical rise in a 3-foot horizontal plane, unless the structure and access to the structure are in accordance with plans prepared for the site by a registered professional architect or a licensed professional engineer and the plans provide for the disposal of storm waters without serious soil erosion and without sedimentation of any stream or other body of water. Prior to approval of the plan, the planning commission shall consult with the local Conservation District.
5. Appropriations to the Department of Agriculture shall be sufficient to assure adequate funding for the Conservation Districts to fulfill their responsibilities under this part.

The Conservation District's primary role is to comment on the permit application, although no action need be taken. Districts should record for the minutes that the notice has been reviewed and filed or action taken. Six months is long enough to keep on file.

The Great Lakes Submerged Lands Act and the Ordinary High-Water Mark,
Part 325, Public Act 451 of 1994 (formerly Public Act 247 of 1955, as amended).

This Act authorizes the Department of Environmental Quality to grant, convey or leave unconveyed lake bottomlands and unconveyed lands in the Great Lakes belonging to the State of Michigan. The Act also provides rules for the use of public and private submerged lands and establishes an ordinary high-water mark for the Great Lakes.

Under this Act, a permit and/or lease, deed or agreement is required from the Department of Environmental Quality for:

1. Dredging and/or filling bottomland below the ordinary high-water mark.
2. Placement or alteration of a structure on bottomland below the ordinary high-water mark (including permanent docks and boathouse).
3. Development, construction, and operation of a marina.
4. Interference with the natural flow of Great Lakes coastal waters.

5. Construction, alteration or connection of any artificial waterway (i.e., upland channel, lagoon, artificial harbor, etc.) extending landward off the ordinary high-water mark.
6. Any artificially-made lands below the ordinary high-water mark fill.

Not all Conservation Districts review Act 325 applications. For those that do a review, the District has 20 days from date of mailing to respond with their concerns about the application.

The Conservation District's role is to comment on the permit application, but no action need be taken. Districts should record for the minutes that the notice has been reviewed and filed or action take. Six months is long enough to keep on file.

Farmland and Open Space Preservation Act, Part 361, Public Act 451 of 1994, as amended (formerly Public Act 116 of 1974 - still commonly referred to as PA 116).

This provides for farmland development rights agreements and open space development rights agreements.

Under this law, Conservation Districts are asked to review Part 361 applications. The District has 30 days to review, comment, and make recommendations to the local governing body with which the application is filed. While the District does not have approval or rejection power, the District's review is very instrumental in an application approval or denial, as Districts are often the only review body that has local knowledge and experience in agriculture.

In addition, part of the application for Purchase of Development Rights (PDR) requires that the applicant submit to the state pertinent information obtained from the local Conservation District. This portion of the application asks the Conservation District to verify the number and percentage of acres nominated to PDR that are devoted to agriculture, the number and percentage of acres considered prime and/or unique farmland, and whether the nominated land has any other unique characteristics (i.e. centennial farm, stream or lake frontage, cultural historic site, significant wetlands, etc.).

The following are some suggestions for handling Part 361 applications:

1. All actions of the District on applications should be recorded in the minutes in the form of motions. (A motion may cover individual applications or one motion can apply to the whole group presented.)
2. Applications should be listed in the minutes by 1) owner, 2) location (township and section number), and 3) number of acres. This will be helpful when questions arise as to what action was taken on a particular parcel of land. Note: Some Districts are numbering each application consecutively by year (e.g. 86-217).

3. A listing of applications by owner and location on the agenda is helpful to directors who may want to look at or ask questions about a parcel prior to the board meeting.
4. Verification forms should be sent to the Michigan Department of Agriculture, Environmental Stewardship Division.
5. A letter of approval or denial for Part 361 applications should be sent to the county or township clerk and a copy to the landowner.

Conservation District Liability

The Conservation District Law under powers of Districts and directors, Section 9308 of Public Act 463 of 1998, paragraph (I) states: "To sue and be sued in the name of the District." This statement in the District's enabling legislation protects District directors from legal claims arising from their activities as District directors. The Conservation District is the liable party.

Conservation Districts are afforded protection under Public Act 170 of 1964, which provides immunity in all cases where a government agent is engaged in the exercise and discharge of a governmental function.

There are exceptions to the law where Conservation Districts are liable in cases involving:

1. Breach of contract.
2. Liability for bodily injury and property damage resulting from negligent operation of a government-owned vehicle by any director, agent, or employee of a governmental agency.
3. Liability for bodily injury or property damage resulting from a dangerous or defective condition of a public building.
4. Liability from which the District has charged for its services.
5. As local units of government, Conservation Districts may be entitled to the services of the Michigan Attorney General's office. All requests to the Attorney General must be channeled first to the Director of the Environmental Stewardship Division of the Michigan Department of Agriculture.

Conservation District Name Change Petition

Section 9305(2) of the Conservation District Law, Public Act 463 of 1998 states: "A Conservation District's board may petition the department (Michigan Department of Agriculture) to change the District's name. The department shall provide the petition form. The department shall give due consideration to the petition and, if the request is determined to be needed and practical, shall approve the change in name and request the secretary of state to enter the new name in the secretary of state's official records of the District".

The following is the format for Conservation Districts to use if requesting a name change of their District to the Michigan Department of Agriculture:

Date:

*Michigan Department of Agriculture
Environmental Stewardship Division
P.O. Box 30017
Lansing, Michigan 48909*

To whom it may concern:

*Pursuant to Public Act 463 of 1998, we the directors of the (name) Conservation District, hereby petition the Michigan Department of Agriculture to change the name of the (name) Conservation District to (new name) Conservation District.
The reasons for this change of name petitions are: (list reasons here)*

(current name) Conservation District

*Signed:_____ (Chairman)_____ (Secretary)
_____ (Director) _____ (Director)
_____ (Director)*

SECTION 3 DISTRICT DIRECTOR'S DUTIES & RESPONSIBILITIES

Starting as Conservation District Director

A director officially takes office when the election results have been certified and a notarized oath of office is on file with the Michigan Department of Agriculture. This applies to an incumbent as well as an appointee and a director elected for the first term.

Rights and Privileges Conservation District Directors are Entitled

As an elected official of a unit of government, a director:

- Is covered by workers' compensation while performing District director duties.
- May receive a per diem of up to the amount that members of the Commission of Agriculture receive.
- Must be responsible for all withholding taxes per IRS requirements.
- Is not personally liable for actions of the board while performing duties of director.

Duties of District Board Members

A Conservation District is a governmental subdivision of this state with statutory powers and responsibilities to carry out a program of natural resources conservation and encourage wise land management. As locally elected public officials, District directors are responsible for the operation and management of the Conservation District. District directors develop policy, which is carried out by employees and resource personnel available to the District. An effective District board uses all the resources available to the District to carry out programs. Such resources include District employees, governmental agencies, private groups, individuals, industry, the natural resources of the District, and more.

Listed are basic duties performed by Conservation District directors, either as an individual or as a member of a District board of directors:

1. Attend and participate in all board meetings and functions.
2. Make decisions in response to all proposals presented to the board.
3. Cooperate with fellow board members in establishing District policies.
4. Establish, review, and understand Conservation District policies.

5. Participate in setting District priorities in providing technical assistance to land users.
6. Employ personnel and determine their qualifications, duties, and compensation. Keep abreast of performance and provide administrative supervision. Understand working agreements established with personnel and comply with all conditions.
7. Participate in developing annual plans of work.
8. Participate in developing, publishing, and distributing annual reports.
9. Keep informed on legislation and policies of local, state, and federal government pertaining to conservation problems. This includes maintaining contacts with local, state, and national public officials to keep them informed of the District's activities and the District residents' conservation needs.
10. Prepare for, conduct, and participate in Conservation District board meetings and attend Michigan Association of Conservation District (MACD) state and area meetings, and state and regional training sessions conducted by the Michigan Department of Agriculture (MDA) and partners.
11. To be fully effective, directors should miss no more than three (3) District board meetings per year. (See "Recommended List of District Policies".)
12. Encourage land users and public entities to become aware of and utilize the services of the District.
13. Serve as the "up-front" person for the District by representing the District at public functions sponsored by the District and at functions related to natural resource conservation activities.
14. Sponsor and actively participate in educational activities to inform people about natural resource conservation programs and to enlist their support.
15. Cooperate with fellow board members to secure adequate operating funds for the District. Examples: county appropriations; state appropriations; tree seedling retail sales; etc.
16. Establish and maintain communications with public and private leaders within the Conservation District who can support the District program.
17. Cooperate with fellow board members in establishing sound business practices required for adequate accounting and financial management of the District's fiscal affairs in accordance with state law.

18. Cooperate with fellow board members in publishing information articles, newsletters, etc.
19. Know the functions of other agencies that operate in the District.
20. Be familiar with the Directors' Handbook.

Section 9307 of Public Act 463 of 1998, as amended, states: "The directors shall designate a chairperson annually." The chairperson is the only office that a Conservation District must have. Nevertheless, Conservation Districts have found it necessary (and MDA strongly recommends) to provide the other offices and designations to cover the District work load in a systematic fashion.

In addition to the chair, most Districts have found it necessary to designate the officers of vice-chair, treasurer, and secretary. Districts may wish to combine certain offices (secretary/treasurer) or leave the offices separate. It is the District's prerogative and responsibility to assign the duties of the offices designated by the board. Typically, the duties and responsibilities are as follows:

Duties of the Chair

1. Leads all District meetings in accordance with the District's locally accepted practices.
2. Calls the meeting to order at the appointed time.
3. Presides over all District meetings.
4. Announces the business before the board in its proper order.
5. Preserves order and decorum.
6. When necessary, authenticates by his/her signature all acts, orders, and proceedings of the District.
7. Calls for a vote on all properly presented motions.
8. Votes in case of a tie vote, roll call vote, or vote by ballot.
9. Receives input from other board members, administrative/executive director, NRCS Conservationist and others to assemble topics for the agenda for the next meeting.
10. Acts as, or appoints, a liaison to the board and the Conservation District employees.

Duties of the Vice-Chair

1. Is familiar with the duties of the chairperson.
2. Presides as chairperson in his/her absence.

Duties of the Secretary

1. Is familiar with the duties of the chairperson.
2. Presides as chairperson in absence of vice-chairperson and chairperson. (Note: A quorum, a majority of directors, must be present.)
3. Supervises all written reports.
4. Supervises the recording of the minutes of all District meetings for their accuracy and compliance with the Open Meetings Act. (See Section 7 of Public Act 267 of 1976 for details concerning the Open Meetings Act or <http://www.michiganlegislature.org/mileg.asp?page=PublicActs> to view a copy of the Act.)
5. Supervises the preparation of the Annual Report. Attends planning meeting for annual report with the administrator/executive director and reviews the final draft before publication.

Duties of the Treasurer

1. Supervises the paying of all bills of the District.
2. Verifies the District's financial standing.
3. Deposits the District funds in compliance with Public Act 500 of 1978.
4. Presents treasurer's report at board meetings.
5. Signs and verifies all bank statements.
6. Ensures that the Conservation District is in compliance with all aspects of the Michigan Conservation District Uniform Accounting Procedures Manual.

Operation's Grant Activities Required of a Conservation District Director

The Michigan legislature has given Conservation District (CD) directors broad powers to develop and carry out natural resources conservation programs. To carry out these powers, directors must be knowledgeable of CD grant obligations. They have the responsibility to take a leadership role in the following:

- Participate in development of resource assessments, strategic plans of action, and in developing and carrying out the annual plan of action.
- Establish the priority of work.
- Provide for the keeping of a full and accurate record (minutes) of all proceedings and all resolutions, regulations, and orders issued or adopted.
- Provide for the preparation, publishing, and distribution of an annual report.
- Secure needed funds for adequate District operations and oversee proper dispersal of funds according to state and federal law. **It is important to note that it is the director's responsibility to secure funding by setting priorities, identifying sources, meeting with other public officials, and keeping open channels of communication with conservation organizations.** Staff will implement the necessary applications, but should not be expected to make all the contacts.
- Prepare an annual budget and maintain an approved bookkeeping system that reflects all income and expenditures. Prepare an annual financial statement and provide for an annual audit.
- Annually designate board chairperson and other board officers.

Recommended List of District Policies

The following, recommended by the Michigan Department of Agriculture and the Michigan Association of Conservation Districts, is a list of subjects on which Conservation Districts should adopt policy:

- Structure of the District (chain of command, delegation of activities to executive director/administrator)
- Board Organization (board meeting attendance, authority of board members, committees of the board, public forum during board meetings, board officers)
- Employment/Personnel (make consistent with state and federal laws)

- Conflict of Interest (Board and Staff)
- District Finances (financial management, budgeting, signing checks, use of credit card, investment practices, spending authorizations)
- Facilities/Equipment
- Administrative procedures for conduct of board meetings

A Note on Diversity of the Board

Diversity within the conservation partnership refers to the concept of inclusiveness affecting both the clientele being served and those that are coordinating and providing the services. It should embrace all cultures and all people who use, manage, and receive the benefits of our natural resources.

The members of the Conservation District board should reflect the diversity of the clients that the directors serve in their District. Directors should actively encourage women and minorities to run for District director. This may start by first recruiting individuals to serve on a committee or by appointing someone to complete a director's term that has been vacated prematurely to introduce people to the District and its function.

Deposit of Conservation District Funds

Conservation Districts as political subdivisions (local units of government) of this state are allowed to deposit funds in all forms of saving plans, including regular passbook savings offered by banks which are insured by the Federal Deposit Insurance Corporation; in bonds or other direct obligations of the United States, or an agency or instrumentality of the United States; in savings and loan associations which are members of the Federal Savings and Loan Corporation; or in credit unions which are insured by the National Credit Union Administration (Public Act 500 of 1978).

Bonding Policy

All District directors and employees entrusted with funds or property shall obtain a minimum \$10,000 surety bond. Districts with total ending cash balances exceeding \$10,000 on September 30 shall carry surety bonds at least equal to that amount.

SECTION 4 HIRING AND EMPLOYMENT GUIDELINES

It is necessary for Conservation District directors to become aware of their responsibilities as employers. Directors are responsible for a host of things such as position descriptions, salaries, morale, and longevity of an employee's position. Conservation Districts must be responsible and fulfill their obligations to their employees.

District Employment Guidelines

Conservation Districts should adopt staff employment policies. The following guidelines should be considered in developing policies:

Written Work Agreement: This agreement must be developed between the District and employee to eliminate confusion about conditions of employment and duties. The agreement should include, but not be limited to, the following:

1. A statement affirming the District policy of nondiscrimination by race, creed, height, weight, color, religion, age, or sex in appointments, promotions, compensation, or other actions affecting employees of the District.

Example: "The Conservation District, an Equal Opportunity Employer, complies with applicable federal and state laws prohibiting discrimination. It is the policy of the Conservation District that no person, on the basis of race, sex, height, weight, color, religion, national origin or ancestry, age, marital status, disability, or Vietnam-era veteran status, shall be discriminated against in employment or promotions."

2. A list of duties that employee is expected to perform.
3. Salary rate and schedule and fringe benefits. (Note: Conservation Districts are subject to minimum wage laws.)
4. Working hours and breaks.
5. A review by the District board. This review should be made annually with the employee. New employees should be reviewed at shorter intervals, typically 3 and 6 months.

Employment Guidelines:

1. Duties of employees should be listed in order of importance.

2. Wages should be paid on a regular schedule, at least bi-weekly.
3. Salary should be commensurate with experience, degree, or responsibility and comparable with rates paid by other units of government for similar duties.
4. Hours of full-time employees should coincide with regular District office hours, although exceptions should be made for weekend and evening activities. Regular part-time employees should be scheduled to work on a regular basis.

Fringe Benefits

Full-time employees should receive:

1. Overtime pay for those employees covered by the Federal Fair Labor Standards Act who work in excess of 40 hours per week. Those employees not covered by the Act are not entitled to any premium compensation. Note: Most Districts provide for a 1 to 1 compensation for those not covered by the Act. Districts may do this if they so desire, but they are not obligated under the law to do this.
2. Reimbursement for mileage for personal car used on District business.
3. Paid vacation time based on length of employment.
4. Accumulated sick leave to a desired maximum.
5. Health insurance assistance.
6. Paid holidays that coincide with those of the NRCS office and/or county government.
7. Social Security coverage for those contributing Districts. Districts not enrolled may wish to consider doing so as a benefit to the employee.
8. Consideration for a retirement program.

Regular part-time employees should receive:

1. Social Security coverage.
2. Mileage reimbursement.
3. Vacation and sick leave proportionate to full time (40 hours a week).

Legal Requirements

By law, a District must provide all employees with Workers' Compensation, unemployment compensation insurance, and a surety bond, if the employee is entrusted with district funds and/or equipment. Provisions must be made for deductions of state and federal income taxes.

Staff Board Liaison

A member of the District board should be designated as the contact (liaison) person for employees and immediate supervisor. In addition, the liaison should keep the District board apprised of the employee's progress or effectiveness as well as any employment situation problems.

Training

District employees should be encouraged to participate in training programs provided by MDA, MACD and other agencies. Attendance of District staff at MDA, MACD state and regional meetings, and NRCS meetings are beneficial in upgrading knowledge and skills needed to efficiently complete duties and responsibilities.

Personnel Policies

A personnel policy should provide both information on the District's current employment policies and provide insight to the benefits and responsibilities of being an employee. A personnel policy is not a contract. To be useful, it should be reviewed on a regular basis and revised or modified as necessary.

In general, there are two types of personnel policies: Just Cause and At Will. While everything else may remain the same, the essential difference is that an "At Will" policy permits either party, employer or employee, to end the employment relationship at either's discretion without cause. A "Just Cause" policy, as its name indicates, provides that the employer must have good reason for the termination of an employment relationship and provides a procedure for progressive discipline of an employee.

Most Districts operate under a Just Cause policy. Whatever policy the board decides upon, it is imperative that all members have an understanding of its content and purpose.

Position Descriptions

Position descriptions are important to outline the duties and responsibilities of the Conservation District employee and set the basic framework for his/her operations. They also provide for a smooth transition from one employee to another. District employees are encouraged to keep position descriptions updated and current to the point where they accurately reflect their duties and responsibilities. District directors should review position descriptions with their employees at least annually.

Generally, administrative duties include but are not limited to:

1. Coordinate and assist in planning District events.
2. Arrange for and attend Conservation District board meetings, annual meetings, and other District functions. Assist in preparation and distribution of annual reports, news items, newsletters, and other information and education activities. Maintain files on all District activities.
3. Prepare material relating to District board agenda, meeting and minutes, and prepare correspondence.
4. Serve as receptionist for the District; answer the phone, greet visitors, handle requests, and schedule appointments.
5. Maintain District bookkeeping system and District files, correspondence, handbooks, manuals and memoranda, assist with audit reports.
6. Perform other related duties as assigned by the Conservation District board.
7. At the direction of the board, assume management of a District project.
8. Assist in preparing and updating annual and long-range plan, assist with conservation education program.
9. Provide typing, filing, and other administrative support to the technical staff carrying out the District's natural resource conservation programs.

Compensatory Time

Under the Federal Fair Labor Standards Act, compensatory time or overtime pay is granted according to the following guidelines. (Caution: these guidelines are subject to interpretation by the federal Department of Labor). The Act can be viewed at <http://www.dol.gov/esa/regs/statutes/whd/0002.fair.pdf> For a guide of the Fair Labor Standards Act, visit <http://www.dol.gov/elaws/flsa.htm>.

1. If the position is a professional position, meaning that the requirements for the position are a four-year degree or experience equivalent and the nature of the position (based on the job description) is professional where the individual uses independent judgment in decision making or providing recommendations, then the position is eligible for the compensatory time on an hour-for-hour basis. Note: Most Districts provide for a 1 to 1 compensation for those not covered by the Act. Districts may do this if they so desire, but they are not obligated under the law to do this.
2. If the position does not require a degree or experience equivalent, and the job description does not require the individual to use independent judgment, meaning they work entirely under the technical direction of another individual, then the position is eligible for compensatory time **or** overtime pay at the rate of one and one-half hours for each hour of overtime. If the position is eligible for the one and one-half times rate, it must be specified in the working agreement if this is going to be given as time or pay.
3. Limits on accumulation and use of compensatory time within a certain time period may be set by the District and defined within the working agreement.
4. A flex schedule is allowable. For an individual who falls within the guidelines of (a) above, then a flex schedule of 44 hours one week and 36 the next is allowable, as would any combination of hours to equal 80. If the individual falls within the guidelines described in (b) above, then a flex schedule is allowable; however, any hours worked over 40 within one week must be compensated for at the one and one-half times rate. Again, these arrangements must be described within the working agreement.
5. If the individual falls within the guidelines of (b), you may avoid compensating at the one and one-half times rate by requiring no work over 40 hours per week and allowing for shift of time during a 40 hour week. For example: if the individual works 2 hours extra one day, they must take off 2 hours some time during the 40 hour week. This will allow for compensation on an hour-for-hour basis. This arrangement must be described in the working agreement.
6. If an individual feels they are not being adequately compensated for overtime worked, they may make an appeal to the federal Department of Labor under the Fair Labor Standards Act. An investigation will determine if the individual was justly compensated, based upon the requirements for the position and the type of work performed by the position. If the District is found to have under-compensated the individual, any additional time that should have been given to the employee could be reimbursed at the rate of "treble damages", that is, three times what was otherwise owed.

Employee Evaluations

Employee evaluations are important for the board and employee. They are very useful tools to open communications about job performance, work priorities, and areas where duties may be expanded or improved. The employee evaluation also serves as a concise report of the employee's annual activities to the board.

An evaluation is the process by which an employer critiques, grades and scores an employee's performance. A system of evaluation of the Conservation District employees should be established within the District and the Conservation District employee should be evaluated at least yearly. Note: New employees need to be evaluated more frequently and at least every ninety days during their Orientation Period.

There are several different types of evaluations:

Informal Evaluation: This process takes place daily or whenever the employer has contact with the employee. It may even be subconscious. The individual employee's appearance, mannerisms and attitudes are evaluated and make up the basis for the employer's general feelings towards the employee.

This informal evaluation often includes criteria not agreed upon or included in the formal performance appraisal and it often includes personal characteristics and values, which should not be evaluated. These personal characteristics often make up the style or individuality of the employee, which an employer should not attempt to change.

Many times the informal evaluation has a great impact on the employer and employee. If the employee makes a bad impression with the employer, it is often impossible for that employee; no matter how good their actual work performance, to meet the expectations of the employer. Conversely, if an employee makes a favorable personal impression, substandard performance may be overlooked.

This informal evaluation process is a "two-way street". The employees also evaluate the employers. The employees are asking themselves, "How am I treated?" "Is my opinion respected?" "Am I getting paid what I feel my time is worth?" "Does my employer understand my needs?" If the employees are unsatisfied with the answers to these questions and others, they could be unsatisfied with their job and their work output may reflect this dissatisfaction.

Formal Evaluation: The formal evaluation process helps to objectively quantify and qualify many of the informal evaluations that take place. It also helps to clarify those characteristics the employer has a right to question. The formal evaluation lessens the impact of the informal evaluation and it also encourages the employer and employee to identify and discuss strengths and areas needing improvement. The goal of the formal evaluation process is to set up open communication between the employer and employee that allows employees to know how their work is perceived and how they are

performing based on predetermined criteria. It encourages growth of the employee and a better understanding of employer's responsibilities to their employees.

Interviewing Guide

It is extremely important for a Conservation District to find the right person for the job. This is the most important decision a board can make for the success of a program. Districts are faced with this critical task with an ever-increasing frequency. It is imperative that Districts are fair and objective in hiring of staff. Not doing so is illegal and precludes the District from finding the most qualified person to fill the job. The following is intended to assist Districts in conducting interviews that aid in making the best selection based on job-related questions.

What is an Interview?

An interview is the part of the selection process in which agency personnel meet with an applicant to exchange information about a job and the applicant's qualifications for the job. In its narrowest sense, it includes only the personal discussion, and not the applicant's resume and references that are equally as important.

However, the interview process normally involves correspondence or telephone contacts with applicants, which also provide opportunities for exchange of job or qualification information. Therefore, many of the principles applicable to the interview are equally pertinent to the other steps of the process. Care must be taken to assure that the job information provided to the applicant is not presented in a way that might discourage otherwise qualified applicants.

The interview, and arrangements for it, is part of the selection process. Therefore, the process must provide for a fair and objective evaluation of the applicant's qualifications for the job.

The Pre-Interview Contact

The purpose of the pre-interview contact, in addition to providing for the scheduling of an interview, is to also supply the applicant with enough basic information about the job to permit the applicant to decide whether an interview will be mutually beneficial.

If a written interview invitation is used, this basic information should be included on the correspondence to the applicant whenever possible. Suggested items to be included are:

1. Name of job (class title).
2. Beginning pay rate.

3. Work shift hours and schedule.
4. Location of work site.
5. Qualifications, or any special requirements.
6. Short description of duties.
7. Person to contact for interview arrangements.
8. Other information helpful to an applicant deciding whether to request an interview.

Timing and Method of Contacts

Although there often may be a need to fill a position promptly, consideration should be given to the needs of applicants to arrange their schedules. When a written invitation to interview is used, a reply time of not less than 5 days should be allowed, whenever possible.

Use of a written interview invitation is encouraged, if possible. In some instances however, the only practical method of contacting applicants may be by telephone. Telephone contacts are acceptable, provided a reasonable effort is made to contact eligible applicants. A single attempt to reach an applicant during the normal hours of 8 to 5 would not justify removal of an applicant's name for failure to respond. If repeated attempts to reach an applicant by telephone are unsuccessful (especially if the attempts were made at various times on more than a single day, including efforts beyond normal working hours), it is reasonable to request that the person be eliminated from consideration for the specific position being filled. It is best to keep a record of the attempted telephone contacts, including dates and times called, in case there are any claims by applicants that they were not given consideration for a position.

Planning for the Interview

The persons who will conduct the interviews should be sufficiently familiar with the job to list the skills and knowledge needed for successful performance. It might be helpful to the interview to separate these into the following categories:

1. Those that are desirable but may not be absolutely essential.
2. Those, which are critical to acceptable performance.
3. Those which are not only critical but for which a high degree of the trait is important for top quality.

In preparing such a list, both the position description and class specifications may be an aid to listing the required characteristics. An additional source for identifying the characteristics of a specific position could be the previous orientation period service rating factors, if relatively recent and available.

What Considerations are Inappropriate or Illegal?

This is not always easy to answer. What is job related for one position may not be for another. However, recent court decisions have defined some specific areas that clearly should be avoided in making the hiring decision. Questions in these areas are generally illegal:

1. **Citizenship** - You may ask whether an applicant has appropriate legal status to work in the U.S. You may not ask of what country the applicant is a citizen.
2. **Political Beliefs, Race, and Religion** - The Civil Rights Acts of 1964, as amended, the Equal Employment Opportunity Act of 1972, and the Constitution of the State of Michigan prohibits consideration of these factors in making the hiring decision.
3. **Age** - You may ask if an individual is 18 years or older. You may not ask the person's age or date of birth. If an individual is at least 18, age cannot be a consideration in whether or not to hire, except where a minimum age is part of the job specification.
4. **Arrests** - You may not ask about arrest records. Arrest without conviction does not prove any wrongdoing. Any assumption that an individual who has been arrested is guilty of wrongdoing is unfair, unfounded, and unconstitutional.
5. **Marital Status, Number of Children, and Family Planning** - You may not ask questions related to these subjects.
6. **Stigma** - You cannot refuse to hire someone on the grounds that, in your judgment, they may not be accepted by customers, clients, or co-workers because of a deformity, disability, race, height, weight, sex, or age.
7. **Type of Military Discharge** - You cannot refuse to hire an individual who has received a discharge that was other than honorable.
8. **Institutional Grounds Confinement** - You cannot refuse to hire on the grounds that an individual was confined to a correctional or a rehabilitation institution or that the individual is or was under the care of a doctor for physical or psychological therapy.
9. **Friends or Relatives** - Policies of employing only one marriage partner in an agency are held by EEOC (Equal Employment Opportunity Council) to have a

discriminatory effect on employing women. You should not refuse to hire individuals on the basis of their having friends or relatives already employed in the agency. However, close relatives working in an employee-supervisory relationship may not be desirable.

Remember that this section is concerned with areas that are illegal to consider in the interview. Ask yourself if the questions you ask are necessary to find out whether the person can do the job. If not, do not ask those questions. For example, you may not ask the interviewees how many dependents they have since this information has nothing to do with the ability to perform the duties of a position. However, once an individual is hired, this information would be needed for health insurance purposes.

What Consideration May or May Not Be Legitimate?

The following areas may be included in the interview if they have been shown to be requirements for successful performance on the job. This would mean that they would be part of the minimum qualifications and specifically listed in the class specification.

Consideration of any of the following factors when they are not directly related to the job may result in charges of discrimination:

1. A requirement of a professional license that is not directly related to the job is discriminatory. This would also apply to other kinds of education and/or experience requirements.
2. An interviewer may not refuse to consider for hiring a visually or physically disabled person unless it can be shown that the disability would prevent the person from performing the duties of the position. A disabled person should not be discriminated against because of architectural or work barriers that can be changed. For example, a ramp can be constructed or files changed so they are accessible from a wheelchair.
3. Questions about convictions for criminal offenses should be avoided where possible. They can only enter into hiring decisions when shown to be related to job performance. Note the distinction between arrest records that prove nothing (their use is clearly illegal) and convictions, which may be valid barriers to employment for certain positions.
4. Saturday/Sunday work requirements may serve to discriminate against certain religious denominations. Employers are obligated to make reasonable accommodations for the religious needs of employees.
5. Questions about mobility, job location, and travel may serve to discriminate against women, older workers, or the disabled.

6. Inquiries concerning presence of, or treatment for, disease should be avoided. You may ask about communicable diseases. Speculation about potential use of sick leave or health insurance benefits may never be considered.
7. Minimum height or weight requirements for employment, where such requirements are not related to the job, have the effect of excluding higher percentages of women and certain minority groups, i.e., Hispanic and Asian.
8. Discrimination based on sex is clearly illegal in interviewing for most positions. Only in extremely rare cases can sex be considered job related. For example, selective certification on the basis of sex may be acceptable for some correctional or mental health treatment positions. Sex must be proven to be job related if it is to be an element of the selection process.
9. Normally, a person's credit record or garnishment record should not enter into the interview. In certain cases where bonding is a prerequisite to hiring, such questions may be appropriate.
10. Requirement of a driver's license or the use of one's own car may be considered to be discriminatory against young or physically disabled persons, unless it can be shown to be necessary to perform the duties of a position.
11. English fluency may not be a consideration unless it is proven necessary for the job.

Other Barriers to Fair Employment

A good interviewer must be aware of other kinds of issues. We have discussed some factors that must be job related, and others that are also illegal, but there are other considerations that are even more difficult to handle. Subtle personal biases and the personal interaction that occurs between interviewer and interviewee are critical factors in an interview.

- **Personal Biases** - Interviewers sometimes go into an interview with stereotyped ideas about people who are "different" from themselves. This type of pre-judgment immediately establishes monumental hiring barriers. Regardless of how faulty the reasoning and unfair the result, these kinds of obstacles are the most difficult to deal with because they are difficult to identify and prove. People involved in interviewing have a responsibility to be aware of any personal attitudes they may have that will affect their objectivity. Try to view these attitudes as obstacles to good interviewing and work to overcome them. It is normal to form a general opinion about an individual in a very short time. An interviewer must continue to make judgments throughout the interview rather than rely on initial impressions.

- ***Perpetuation of Discrimination Through Over Reliance on Past Employment History*** - There are certain aspects of a person's employment history that have traditionally been viewed as negative. Rejection based solely upon these factors can represent an unfair and discriminatory hiring barrier. Included here are traditional "performance indicators" obtained through job history analysis such as: absenteeism, job turnover, periods of unemployment, and under-employment. Every interview is different, and you must use your own judgment in determining what will be "key factors" in a particular hiring decision. Strive to base your hiring decisions on the interviewee's actual skills and abilities. You should consider the following possibilities before assuming that a particular employment history indicates a lack of ambition or talent:
 1. Younger workers are usually the first to be laid off in slack times.
 2. Job dissatisfaction and turnover may have been caused by discriminatory practices of past employers.
 3. Older workers may have been forced into "early retirement" without regard to skills or abilities.
 4. Workers may have been unemployed because of obsolete skills, when all they needed was minimum job restructuring or retraining.
 5. Capable people who have been convicted of a crime, or institutionalized with mental disabilities, may have had a long period of unemployment.
 6. People may have been unemployed or under-employed because of the economy.
 7. Women, who have chosen to raise a family and not enter the work force for an extended period of time, may have been unemployed or under-employed.

A related subject is the use of questions about "career plans" in the interview. The common assumption is that an individual's career plan indicates something about initiative or ambition. Initiative and ambition are not the same things to everybody. Career planning questions may be viewed as an affront to women returning to the labor market after having raised a family; a young person may not have thought about career planning; an older person may be embarrassed by the topic. The connection between these ill-defined concepts and an interviewee's description of plans for the future is questionable. Since career planning has no proven relationship to a person's ability to perform most jobs, it should probably not be used.

How Questions Should Be Asked?

Deciding how to ask questions is just as important as deciding what questions to ask. The way you begin the interview will set the tone for what is to follow. Your first

comments should be designed to establish an atmosphere in which the interviewee is comfortable and feels able to converse freely.

After the interviewee is relaxed, you can begin to discuss the position and to ask the questions that will give you the information you need to make a hiring decision. The specific questions will vary depending upon the requirements of the job and what you already know about the interviewee. You should frame questions in a way that will stimulate the individual to talk.

There are two general approaches to asking questions:

Direct questions. Direct questions should be used to obtain factual information such as, "What college did you attend?" or "How long have you been working as a stenographer?"

The misuse of direct questioning can distort your assessment of the individual you are interviewing. For example, if you want to find out about the interviewee's "attitude" toward working with numbers for a clerical job which requires this work, you might say: (*Direct*) "You do like to work with numbers, don't you?" The misused direct question tends to elicit a "yes - no" response from an interviewee. As asked above, it will probably get you a "yes" when the interviewee's attitude may be very different. (*Open-end*) "How do you feel about working with numbers?"

Open-end questions. The open-end questions are more likely to stimulate the interviewee to talk a bit more about attitudes. Therefore, to obtain such information, the questions should be rephrased.

Some other examples of open-end questions you may find useful are:

1. What did you like most about your last job?
2. What part of your previous jobs did you have the most trouble learning?
3. What jobs have you liked the least, and why?
4. If we hired you, what do you think you would like most about the job?
5. This agency's major concern is natural resource conservation; how do you think you can contribute to our goal?

Besides questions, there are other sources of information that are available to you during the interview.

Sometimes an interviewee may digress in response to a question. This digression may lead you into areas of discussion that you may not have thought of before and that may be very helpful in assessing the interviewee's ability to perform successfully. Don't always cut them off immediately, but see where the discussion is going first.

There may be situations in which you will have to ask questions even though the interviewee seems nervous about discussing that topic. As long as the topic is job related, you should not hesitate to try to find out what you need to know to make a hiring decision. Almost everyone wants to look as good as possible and people may embellish on their experience and ability almost unconsciously. If you need to probe for negative or more factual information, do so as long as the topic is job related. If the interviewee seems upset by this, you should explain that a fair evaluation depends on your being sure of everyone's abilities and knowledge, and that you need clarification.

The timing of your questions is also important to maintaining a relaxed atmosphere where information can be easily exchanged. For example, it may be appropriate to ask interviewees about transportation arrangements for getting to work. With a physically disabled individual this should not be your first area of questioning. It is more relevant and certainly more tactful to first explore the basic qualifications for the job.

Listening to the Answers

You must be able to listen as well as talk. To listen you must concentrate on what the interviewee is saying.

1. Do not think about the previous or next interviewee while the present interviewee is talking.
2. Do not think about the next question while the interviewee is answering.
3. Do not make up your mind about the interviewee before the interview is over.
4. Do not conduct the interview in a busy, noisy office. Instead, find a relaxed and comfortable environment that will facilitate your ability to concentrate.

To be fair and objective as part of the selection process, an interview must have meaning. If you do not listen carefully, you are wasting your time and the interviewee's time. More importantly, you are not carrying out your part of the selection process.

Following-up the Interview

Good interviewers should let interviewees know the results of their interview. Many times the simple fact of having been interviewed sets up expectations on the part of the interviewee. They may even make some tentative career decisions based on these expectations. It is a good personnel practice, as well as common courtesy, to inform interviewees when they are not selected. Where possible, each interviewee should be sent a personal letter. No matter how it is done, the point is that you have an obligation to people you have interviewed to notify them of the results of their performance in this step of the selection process. In such instances, when proper interview follow-up does not occur, applicants are left with a poor image of the District as an employer.

Interview Summary

The interview is one of the most critical points in the selection process. This section has been developed to help improve that process by providing suggestions for making it meaningful and job related. Although a fundamental reason for this section is to foster selection of applicants using job-related criteria, another important reason for its development is to improve the manner in which applicants are treated in the interview process.

Example: Vacancy Announcement for Administrator

Date: _____

Article I

Section 1: Equal Opportunity Employment

The Wolverine Conservation District, as an Equal Opportunity employer, complies with applicable federal and state laws prohibiting discrimination. It is the policy of the Wolverine Conservation District that no person, on the basis of race, sex, color religion, national origin or ancestry, age, marital status, disability, or Vietnam-era veteran status, shall be discriminated against in employment or promotions.

Article II

Section 1: Position Available

District position_____. The_____is hired by and works for the Wolverine Conservation District. As an agent of, and at the discretion of the District board of directors, the _____ shall perform any or all of the following duties:

1. Takes leadership for planning and carrying out policy and programs established by the board of directors and, in the absence of the chairperson or another director, acts as a spokesperson for the District within policies established by the district board.
2. Serves as the District board's contact with governmental units, farm organizations, public agencies, service groups, and general public.
3. Keeps the District board informed of legislation pending, directives from the state level, and other matters affecting the District program.
4. Acts as a liaison between the District board and the county board of commissioners regarding financial assistance and information as to the work of the District. Is responsible for preparing an annual report to the commissioners

with an annual plan of work for the coming year to be presented with the annual request for funding.

5. Prepares and distributes agenda, prepares and distributes board meeting minutes, distributes communication and other material to the District board.
6. Purchases District office supplies and equipment, checks equipment in and out for District landowners and NRCS use only. Keeps inventory of District equipment and notes condition of equipment.
7. Assists and works with the NRCS personnel in either office or field work as required and advisable. If there is a request from the resource conservationist that the District employee feels is a detriment to the work of the District, the director assigned as employee liaison shall decide on worthiness.
8. Handles all tree orders and sales and keeps accurate information on sale records, costs, and income. This will be reported to the District board no less than 30 days after the close of any one-sale period.
9. Edits, prepares copy, and distributes District newsletter, edits annual report, prepares press releases and distributes to the media.
10. Works with and assists landowners in preparation of Act 116 applications.
11. Assists and plans District tours, meetings, contests, and other functions.
12. Provides educational service to schools and other groups.
13. Provides secretarial/clerical assistance to resource conservationist and board.
14. Performs other related work as required.

Section 2: Recruitment

1. Applications will be received by the Wolverine Conservation District.
2. Applicants will be interviewed by the District board of directors.

Section 3: Hiring

The Wolverine CD board will make the final decision as to which applicant is accepted for the position.

Example: Working Agreement

Article I

1. The normal workweek will be Monday through Friday from 8:00 a.m. until 12:00 p.m. and from 1:00 p.m. until 5:00 p.m., with a break of 15 minutes in the morning and afternoon to be provided.
2. The District employee will be expected to attend regular and special meetings of the Conservation District, which will include evening meetings.
3. The Conservation District will observe a 2-week pay period. Paychecks will be distributed Tuesday after the close of the pay period.

Section 1: Supervision

Supervision for work relating to the District and all leave requests will be the charge of the District director appointed as liaison between the Conservation District board and the employee. The employee evaluation, pay raises, disciplinary action, and dismissal are a function of the entire board.

Section 2: Resignation

Employees shall give not less than two weeks written notice of resignation. Any employee who does not submit his/her resignation as required above or is absent from work for a period of three days or more without notifying his or her supervisor of the reason for the absence, may be considered as having resigned without notice and not in good standing. In such instances, the Conservation District shall make a decision on said employee's termination rights.

Section 3: Disciplinary Action

Disciplinary action may be taken against an employee for any reasons deemed necessary by the District. Types of behavior, including but not limited to the following, are grounds for discipline: Habitual tardiness, absenteeism without sufficient reason or proper notification, use of profanity or obscene language in the presence of the public. The employee will receive a hearing by the board of directors. The employee will be given written notice setting forth the reasons for dismissal or suspension.

Article II

Section 1: Vacation (Annual Leave)

Employee shall not be entitled to any vacation time for less than 3 months employment. Vacation time shall be earned at the rate of 4 hours per pay period.

After 3 years employment, 6 hours vacation time shall be earned per pay period. Vacation time may be used on an individual hour basis with permission from the board liaison. Not over 80 hours of vacation time shall be allowed to be carried over at the end of the year. An employee may convert up to 1/2 of their annual vacation to cash.

Upon termination of employment, the employee shall be entitled to any earned but unused vacation pay, which will be included on the employee's final check. Vacation pay will be made at the employee's normal rate of pay, excluding overtime.

Section 2: Jury Duty and Court Witness

An employee who is assigned jury duty shall be granted a leave of absence to serve as required. They shall be expected to be at work at all hours when not serving as a juror.

Leave of absence for jury duty shall be with full pay, less the amount received by the employee for jury duty, which shall be reported on the time sheet.

Section 3: Sick Leave

Sick leave is a means of ensuring that an employee will not suffer loss of income because of illness. It is not a means by which an employee can earn additional annual leave.

An employee earns 4.0 hours of sick leave for each bi-weekly pay period worked, and may accumulate up to a total of 90 sick days. One-half of an employee's unused sick leave will be converted to cash upon termination or retiring. An employee may use sick leave with pay when an exposure to a contagious disease would endanger the health of others by attendance at work. An employee's illness, injury, or childbirth will be debited against the employee's accrued sick leave until sick leave has been depleted.

In the event of childbirth, such sick leave shall commence only when the employee, acting upon the advice of the physician, indicates that the employee is no longer able to work.

Sick leave may be used for doctor and dentist appointments, as well as employee illness and illness in the employee's immediate household. Sick leave may also be used to attend funerals.

After three days off, a physician's statement shall be required stating the condition of the employee relative to ability to perform the duties of the position, diagnosis, and other relevant information pertaining to the employee's condition.

Section 4: Leave of Absence

Up to 20 working days leave of absence without pay will be allowed for any good and valid reason. This shall be at the discretion of the District board.

Section 5: Holidays

Paid holidays shall consist of standard holidays when the USDA office and the county building are closed.

Section 6: Act Of Nature

When travel is considered dangerous due to weather conditions, the employee will be paid as usual. However, one of the following conditions must be proven:

The county building was closed for the day.

The roads were impassable due to snow and/or vehicles abandoned.

Directives from the County Road Commission to not travel due to dangerous conditions.

Closing the office early will also be allowed due to any of the above reasons.

Article III

Section 1: Wages And Benefits

This District employee position will be classified as an _____ position, classified as 07 (Wolverine County Classification).

The first six months of service following an employee's appointment shall be the orientation period, during which the District directors and supervisor shall continually evaluate the employee's work performance, and qualifications to perform the job. During the orientation period, employees may be eligible for sick leave and holiday pay. During the orientation period, employees may be dismissed at any time without recourse. Upon satisfactory completion of this period of orientation, the employee may be transferred to permanent status. Step increases within a salary grade are based upon merit and length of service and are automatic. The directors may withhold a recommendation for a salary increase for the employee only on the basis of an unsatisfactory rating of the employee's performance, work habits, or unwillingness to perform the work duties. The directors shall advise the employee in writing that the recommendation is being withheld and the reason thereof.

Section 2: Overtime And Compensatory Time Pay

When the District employee works in excess of 40 hours in a week, compensatory time or overtime payment will be granted. Employees may have the option to take the overtime pay or compensatory time off work. The use of compensatory time would be the same as annual leave and requires supervisory approval.

Section 3: Personal Vehicles

When the District employee uses his/her personal vehicle in the performance of District business, reimbursement for mileage will be an amount determined by the District. Travel costs of going to and from work for normal scheduled work shall not be reimbursed.

Section 4: Meals And Lodging

While on District business outside of the County, the employee shall be reimbursed at the county travel rates.

Section 5: Hospitalization

The employee will receive cash in the amount of \$.50 per hour in lieu of hospitalization insurance.

Section 6: Workers' Compensation and Surety Bonds

The employee of the Conservation Districts will be provided with workers' compensation, social security, and unemployment insurance. A surety bond will be provided if the employee is entrusted with District funds. The retirement benefit will be discussed when the working agreement is reviewed in (insert year).

Article IV

The work policy is subject to review annually or more often if deemed necessary.

Employee_____

Date_____

Chairperson_____

Date_____

Example: Amendment to the Working Agreement

Proposal I:

The Conservation District provides retirement benefits to cover the employee in the following manner:

1. Wolverine CD contributes to employee's IRA account the last pay period of each calendar year.
2. Wolverine CD's contribution will be equal to \$2 for each \$1 of employee contribution to the IRA account.
3. Wolverine CD's contribution shall not exceed 8-1/2% of employee's base wage for the same calendar year.
4. Combination of Wolverine CD and employee contributions shall not exceed \$2,000 in the calendar year.
5. Only employees with whom Wolverine CD has entered into a working agreement providing retirement benefits will be covered under this retirement plan.

Proposal II:

Amend the working agreement with the administrator to provide for retirement benefits of the Wolverine Conservation District retirement plan effective January 1, XXXX.

Employee_____

Date_____

Chairperson_____
Wolverine CD

Date_____

Mandatory State and Federal Employment Posters

If you are a Michigan employer, State and Federal labor regulations require you to post the following notices in conspicuous places within your business establishment:

Mandatory Federal Posters

Occupational Safety and Health Act – OSHA (29 CFR, Sec. 1903.2 (a))

"Employers must post this notice in a conspicuous place where notices to employees are customarily posted." Failure to comply may subject the employer to a fine of up to \$7,000 for each violation along with possible criminal penalties.

Federal Minimum Wage Notice (29 USC Sec. 206)

Employers subject to the Fair Labor Standards Act must post a notice regarding the federal minimum wage in “conspicuous places in every establishment” where the affected employees can readily observe it on their way to or from work. (29 CFR Sec. 516.4) Failure to post the required notice is a federal crime.

Employee Polygraph Protection Notice (29 USC Sec. 2001)

“Each employer shall post and maintain such notice in conspicuous places on its premises where notices to employees are customarily posted” (29 USC Sec. 2003). Any employer who violates the Polygraph Protection Act may be assessed a civil penalty of up to \$10,000 (29 USC Sec. 2005.)

Equal Employment Opportunity Commission/Age Discrimination (29 CFR Sec. 601.30)

“Every employer has an obligation to keep posted in conspicuous places upon its premises notices describing the applicable provisions of Title VII and the ADA. Section 711 (b) of Title VII makes failure to comply with this section punishable by fine...” for each violation. (29 CFR Sect. 1601.30.)

Family and Medical Leave Act of 1993 (U.S. Department of Labor, Employment Standards Division)

This Act pertains to employers having at least 50 employees within 75 miles. “FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to ‘eligible’ employees for certain family and medical reasons.”

Mandatory State Posters

Whistleblowers’ Protection Act (Michigan Department of Labor, MCL §15.368, §17.428 (8))

“An employer shall post notices and use other appropriate means to keep his or her employees informed of their protections and obligations under this act.”

Safety and Health Protection (Michigan Department of Labor, Title 17, §17.50 (11))

“An employer shall post notices and use other appropriate means to keep his or her employees informed of their protections and obligations under this act...”

Material Safety Data Sheets (Michigan Department of Labor, Title 17, §17.50 (14j))

“An employer shall post signs throughout the workplace advising employees of the location of the materials safety data sheets...”

Minimum Wage Law (Michigan Department of Labor, Title 17, M.S.A. §17.255 (1), (11)) “Every employer, subject to the provisions of this Act shall keep a copy of them posted in a conspicuous place in the area where employees are employed.”

**Employment of Minors (Michigan Department of Labor, Title 17,
M.S.A. §17.731 (13))**

“Each employer shall keep posted conspicuously in or about the premises at which a minor is employed, a printed copy of sections 10, 11, and 12 as furnished by the department.”

**Overtime Compensation Rules (Michigan Department of Labor, Title 17,
M.S.A. §17.255 (1), (11))**

“Every employer, subject to the provisions of this act shall keep a copy of them posted in a conspicuous place in the area where employees are employed.” (R 408.722)

**Bureau of Safety and Regulation (Michigan Department of Labor, Title 17,
M.S.A. § 17.255 (1), (11))**

“Every employer, subject to the provisions of this Act shall keep a copy of them posted in a conspicuous place in the area where employees are employed.” (R 408.701)

**Failure to Post the Above Notices in Conformity With State and Federal Laws
May Result in Substantial Civil or Criminal Penalties.**

Information regarding these posters and the accompanying state and federal regulations are available by calling or writing:

State of Michigan
Department of Consumer and Industry Services
Bureau of Safety and Regulation
Wage and Hour Division
Box 30476, Lansing, Michigan 48909-7976
Telephone: (517) 322-1825

Ask for the information packet entitled: “Information for Employers”.

SECTION 5 TAXES & OTHER FORMS DISTRICTS NEED TO FILE

Income Tax: Form W-4 and MI-W4

Each Conservation District with one or more employees may be required to withhold and to pay income taxes to both the Internal Revenue Service and to the State of Michigan. Each employee must obtain and fill out a W-4 IRS form and MI-W4 form "Employee's Withholding Exemption Certificate." The amount of tax withheld will depend upon the total income and number of deductions. When withholding income taxes are required, the District should consult with the nearest Internal Revenue Service Office for an income tax identification number and tax payment forms.

State of Michigan payment directions and forms are available from the Michigan Department of Treasury, Revenue Division, Income Tax Section, Lansing, Michigan 48933, Telephone: (800) 487-7000.

Form 941 and Form 8109

Districts need to withhold Michigan and federal income tax from each District employee. *If the District is covered under a section 218 agreement social security should be withheld. If there is no section 218 agreement and the employee is not covered under a qualified pension, social security must be withheld.* Social Security and federal income tax are reported quarterly on Form 941. Deposits are made to an authorized depository on Form 8109. The amount of taxes you owe determines the frequency of deposits. Publication 15 provides information on depositing requirements. Forms for Michigan income tax and federal income tax withholdings are filed either monthly or quarterly.

W-2 Form, W-3 Form, and Form 1099-Misc.

A W-2 form must be filed annually with the W-3 form. W-2 copies are given to each employee on the payroll. The W-2 shows wages paid, Social Security wages, Social Security tax, Medicare tax, Michigan income tax withheld and federal income tax withheld from the employee. A 1099-Misc. form must be given to each independent contractor working with the District. The 1099-Misc. form only shows the amount of payments made for the calendar year. These forms can be obtained by calling the Internal Revenue Service at (800) 826-3676.

Form SS - 8

From the results of the SS-8 form, the IRS will determine if the person hired is a contractor or employee of the District. If the person is found to be an employee, a W-2

form has to be filed. An example when this form might be filed is for tree packing labor, beach grass planting, no-till operator, etc.

Form 160 and Form 165

Provided by the State of Michigan, Department of Treasury, this form can be filled out online at the Michigan Department of Treasury website: www.michigan.gov/treasury. It contains worksheets to figure both sales tax and the recording of Michigan Income Tax Withheld (MITW). You must pay \$1.00 per year for your Sales Tax License (or renewal) each year (Form 160). These amounts are to be sent together. The combined amounts of Michigan income tax withholdings and sales tax determine if Form 165 is to be submitted annually, quarterly, or monthly. See Sales Tax section on page 53.

MESC Forms UC-1017e

This form is available on line at <http://www.michigan.gov/bwuc/0,1607,7-161--47385--00.html>. Registration is required to use this service.

Form I-9

This Employment Eligibility Verification form must be completed by any person hired after November 6, 1986. It requires employers to verify that the employee is not an “unauthorized alien” by examining this document.

Board Members

Members of the board of directors of Michigan Conservation Districts are elected, government workers who make all major decisions with regard to a District's programs and activities. They are elected for terms of four years. They do not receive fees collected from individual residents of their Districts but are paid from funds of the general treasury.

Section 3401(c) of the Internal Revenue Code, pertaining to the Collection of Income Tax at Source on Wages, defines the term “employee” as including an officer, employee or elected official of the United States, a State or any political subdivision thereof.

Section 31.3401(c)-1(a) of the Employment Tax Regulations provides that the term “employee” includes officers and employees, whether elected or appointed, of a state or political subdivision thereof.

Accordingly, because the member is an elected official of a political subdivision of the State of Michigan, he/she is an employee within the meaning of section 3401(c) of the

Code and section 31.3401(c)-1(a) of the regulations. Therefore, the member's compensation is subject to federal income tax withholding and a Form W-2 should be filed.

Is the member's salary subject to FICA taxes? Generally yes, unless he/she is a member of a retirement system maintained by the District (but see flowcharts on pages 12 and 13 of the Outreach Program). Refer to Code sections 3121(b)(7) and 3121(u).

Is the member's salary subject to FUTA tax? No. Section 3306(c)(7) of the Code, pertaining to FUTA, provides that services performed in the employ of a state, political subdivision, or instrumentality thereof, are excepted from the definition of employment. Therefore, no Form 940 need be filed.

Mileage allowances paid to board members to attend monthly meetings are a commuting expense and therefore, should be included as a wage subject to all applicable taxes (FICA, Medicare and Withholding).

Workers' Compensation

Every District is responsible for carrying Workers' Compensation insurance on all employees. **This is mandatory** and every District must carry this insurance if it has any employees, whether they work one-half day per month or five days each week. **The position classification for regular District employee's position is clerical office 8810.** This classification should be used when applying for Workers' Compensation coverage. Workers' Compensation Insurance may be obtained from any insurance agency.

Districts that are unable to obtain Workers' Compensation Insurance from a local insurance agency should apply to: The Accident Fund Company, 232 South Capital Avenue, Lansing, Michigan 48933, Telephone: (517) 342-4200.

District directors are covered by the State of Michigan while fulfilling responsibilities as an elected official of a unit of government.

State Sales tax

Conservation Districts are responsible for the collection of sales tax and remitting it to the Michigan Department of Treasury on all retail sales (see "Exemptions"). Conservation Districts must:

1. **Obtain a Michigan Sales Tax License:** The Michigan Department of Treasury "Application for Registration" must be filed with the Sales and Use Tax Division of the Michigan Department of Treasury. The sales tax license must be renewed annually using Form 160.

2. **Remit Sales Tax:** Michigan sales tax and Michigan Income Tax Withholding are to be sent together using Form 160. The Annual Return, using Form C-165 must be filed by February 28, even if no tax is due. Submit payment either:
 - **Annually** - Any District owing less than \$200 in sales tax and Michigan Income Tax withheld must remit once a year.
 - **Quarterly** - Any District owing from \$200 to \$2,400 in sales tax and Michigan Income Tax withheld must remit once a quarter.
 - **Monthly** - Any District owing over \$2,400 in sales tax and Michigan Income Tax withheld yearly must remit on a monthly and annual basis.
3. **Issue Receipts:** All retail sales must be receipted.
4. **Order Form for Tree Sale:** Order forms must contain the statement:
 - The price includes Michigan sales tax, or
 - Tree seedlings are subject to Michigan sales tax.

Land Improvement

Tree seedlings sold for reforestation, erosion control, windbreaks, or wildlife are considered real estate improvements. Tree seedlings sold for those purposes are subject to Michigan sales tax. For more information, correspondence or questions concerning retail sales tax should be directed to: Sales and Use Tax Division, Michigan Department of Treasury, Lansing, Michigan 48933. Telephone: (517) 373-3190.

Sales Tax Exemption

Michigan's Conservation Districts need not pay sales tax on purchases of supplies and equipment. Since Department of Treasury auditors require proof of purchaser's exemption, a District should provide each of its suppliers with a Tax Exemption Certificate. This certificate should be on the District letterhead and signed by the chairperson of the board of directors.

To obtain Form SS-4, Application for Employer Identification Number, contact the IRS at (800) 829-3676.

**SUGGESTED CERTIFICATE FORM
SALES TAX EXEMPTION**

The Michigan Department of Treasury, in a statement dated July 16, 1945, declared that it “recognizes a Michigan Conservation District to be an entity of government and as such, exempt from the payment of sales tax.”

_____, Chairperson
(Signature)

_____ Conservation District

PI-184, Certificate of Inspection

A Certificate (PI-184) must be obtained annually for the purpose of selling nursery stock. This certificate is obtained from the Michigan Department of Agriculture, Pesticide and Plant Pest Management Division. Telephone: (517) 373-1087.

You must obtain a copy of a “Sales Tax Exemption” statement from those entities that will be purchasing trees tax free (i.e. County Road Commissions).

IRS Offices in Michigan & Where to Obtain Forms

Internal Revenue Service - Daniel Clifford, P.O. Box 330500, Stop 27, Detroit, Michigan 48232; Telephone: (313) 628-3109; Email: Daniel.Clifford@irs.gov Lori Hill, 1055 W. Baraga Avenue, Marquette, Michigan 49855; Telephone: (906) 228-7831, Email: lori.hill@irs.gov. Website: www.irs.gov

Federal Forms – Central Area Distribution Center, P.O. Box 8903, Bloomington, Illinois 61702-8903; Telephone: (800) 829-3676.

State Forms - Michigan Department of Treasury, Sales, Use & Withholding Tax Division, Treasury Building, Lansing, Michigan 48922; Telephone: (517) 373-3190.

SECTION 6 REGULAR AND SPECIAL MEETINGS

Open Meetings Act

As a unit of local government within the State of Michigan, a Conservation District must comply with provisions of Public Act 267 of 1976, the Open Meetings Act. For your convenience, a copy of the Act is included with this manual. The Act provides that:

1. All regular and special meetings of a Conservation District board of directors shall be “open to the public and shall be held in a place available to the general public.”
2. Public notice of a meeting “shall contain name, address, and phone number of the body and shall be posted at its principal office and other locations considered appropriate by the public body.”
3. Notice of schedule of regular meetings must be made within 10 days after the board’s first meeting of the calendar year or its fiscal year. The fiscal year for Michigan Conservation Districts is October 1 to September 30.

Example: Monthly Meeting Schedule

MDA recommends that Districts consider when monthly bank statements and vendor invoices arrive when deciding the meeting schedule. Generally, these items arrive sometime in the first 10 days of the month. Meetings should not be scheduled too early in the month. It is important for the board to review the bank statements and approve invoices for payment at the monthly meeting. The board should not hold its meetings too late in the month in order to assure prompt payment of invoices. Below is a schedule of monthly meetings to occur on the second Wednesday of each month.

The (name) Conservation District meets at 7:00 p.m. on the second Wednesday of the month. Example meeting dates are:

October 9	November 13	December 11	January 8
February 12	March 12	April 9	May 14
June 11	July 9	August 13	September 10

The meetings will be held under the provisions of the Open Meetings Act (Public Act 267 of 1976) at the (name) Conservation District’s office located at (address) (phone).

4. If there is a change in schedule, within three days of the meeting in which the change is made, the public body must post a notice stating the new dates, times and places of regular meetings.
5. Special meetings must be posted at least 18 hours in advance. The notice must include date, time and place of the special meeting.

6. Consideration should be given to the use of newspaper and radio and television stations as a means of further publicizing board of directors' meetings. Consideration should also be given to holding district board meetings at a place recognized by the general public as a public meeting place; i.e., a county building, public schools, community rooms in banks or other commercial businesses.

Public Comment

The Open Meetings Act provides provisions for the public to address the District board during the board meeting. The Act states, "A person shall be permitted to address a meeting of a public body under rules established and recorded by the public body."

The District board may establish and record rules that regulate the conditions under which the public may address the board meeting. These rules should include such conditions as the length of time any one person may be permitted to speak, the place on the agenda set aside for public address, and a requirement that persons desiring to address the public body identify themselves [1977 OAG 5183]. It is very important for the District to have written policy to address this issue.

The following is a sample form Districts can use when the public would like to address the board.

Example: Speaking to the District Board During the Public Forum

The (name) Conservation District Board welcomes you to this meeting. We conduct our meetings in strict compliance with the Michigan Open Meetings Act. We value the ideas and insights of our constituents and therefore, it is the policy of this board to allow 15 minutes of each meeting for a forum. If you wish to speak to this board during the forum section of our agenda, please complete the form on the bottom of this paper and hand it to one of the board members before the meeting. Only persons who have completed the form and given it to a board member prior to the convening of the meeting will be allowed to speak.

When the board reaches the "forum" section of the agenda, the board chairperson will divide the 15-minute segment by the number of persons who have requested to speak to the board to determine the amount of time allocated to each person. The board chairperson will then call on those people one at a time to stand and address the board for no more than the allocated time.

You should not expect the board to respond at this meeting to your questions or requests for information or requests for action. The board will note your request and respond at a later appropriate time after board members have an opportunity to consider and deliberate about the request. At other times during this meeting as the

board deliberates, board members may wish to ask for information from persons in the audience, but please refrain from comment unless the board asks you to comment. Board members are always anxious to hear from constituents outside the meeting, but our meeting agenda is usually full and does not allow us time for a continuous open forum. Thanks for helping us conduct an open and orderly meeting.

Request to Speak to the Board During the Forum

A request form must be completed and handed to a board member before the meeting if you wish to speak to the (name) board during the “forum” section of the meeting agenda. The forum will be conducted according to the format explained above.

Your name:
Group/organization you represent, if any:
Subject about which you will speak:

Closed Session

The Open Meetings Act does provide provisions for a public body to meet in a closed session. A Conservation District may only meet in closed sessions for the following purposes:

1. To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing.
2. To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.
3. To consult with its attorney regarding trial or settlement strategy in connection with pending litigation, but only when an open meeting would have detrimental financial effect on the litigating or settlement position of the public body.
4. To review the specific contents of an application for employment or appointment to a public office when the candidate requests that the application remain confidential. However, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act.

With the exception of 1 & 2 listed above, a 2/3 roll call vote is required for the District board to hold a closed session. The purpose for which the closed meeting is being called must be stated in the meeting when the roll call is taken. A separate set of

minutes will be kept. The minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved. Minutes of closed meetings need not be available for public inspection and would only need be disclosed if required by civil action.

District Board Meeting Agendas

A properly prepared agenda is important in running an effective meeting. An agenda:

1. States time, date, and place of the next meeting.
2. States assignments, duties, and reports to be addressed at the next meeting.
3. Gives people time to think and ask questions about subjects on the agenda, prior to the meeting.
4. Is prepared from the District's annual plan of work. The plan of work should be referred to when planning an agenda to meet the District's yearly goals.

The agenda should be mailed one week prior to the meeting date. A copy of the last meeting's proposed draft of the minutes and treasurer's report should be included to allow review before the next meeting.

Example: Board Meeting Agenda

(NAME) CONSERVATION DISTRICT

Regular Monthly Meeting of the Board of Directors

Wednesday, March 13, 2002, 7:00 p.m.

(Name) Conservation District office - City, Michigan

Call to Order: Chairperson (Name)
7:00 p.m.

Additions to the Agenda:

Guests/Public Forum: Chuck Smith, County Commissioner Liaison
7:05 p.m.

Consent Calendar: Action: (Items of a routine nature to be voted on with one motion - no discussion - directors and staff may remove an item and place it elsewhere on the agenda for discussion) 7:30 p.m.

RECOMMENDATION: Approval

- a. Minutes of February Regular Board Meeting
- b. Summary of February bills paid, list of March bills
- c. Terms of employment for Ann Winter

RECOMMENDATION: Receive and file

Current Business: 7:35 p.m.

- a. Tree Sale Update
- b. Treasurers report covering month of February
- c. District Annual Meeting Agenda and task list - review and revise
- d. Cooperator of the Year - discussion & recommendation
- e. MACD Task Force on Election of Directors - determine District involvement
- f. Approve payment of current bills. Sign payment vouchers and approve range of check numbers for payment of bills.

Staff Reports: 8:00 p.m.

- a. District Administrator Report: Jessica Summer
- b. District Forester Report: Scott Fall
- c. NRCS Resource Conservationist Report: Eric Spring

Information and Correspondence: 8:30 p.m.

General Discussion: 8:45 p.m.

Adjourn: 9:00 p.m.

District Board Meeting Minutes

The minutes of a Conservation District are the official record of business transacted, activities undertaken and plans projected. Public Act 267 of 1976, the Open Meetings Act, requires Conservation Districts record the proceedings of all meetings. By law, minutes must:

1. Contain time, date, and place of meeting.
2. State members present and members absent.
3. Contain any decisions made at a meeting open to the public.
4. If closed meeting, the reason a closed session was held.
5. Contain all roll call votes taken.
6. Be available to the public at no more than the cost for printing and copying.
7. Have draft minutes completed not more than 8 business days after meeting.
8. Have approved minutes available no later than 5 business days after the meeting at which minutes were approved.
9. Corrections in the minutes must be made no later than the next meeting after the meeting to which the minutes refer. Corrected minutes must be available no later than the next meeting after the correction and must show both the original entry and the correction.

Other than the legal requirements, the minutes should be in a form and style that is acceptable to the board. Keep in mind the minutes are reviewed by others outside of the District, i.e., county board of commissioners, state legislature, and general public. Some basic guidelines in writing minutes include the following:

1. Whether it is a special or regular meeting.
2. Minutes should be written in the third person, and contain what is done and not what is said.
3. Contain no personal opinions of praise or criticism.
4. All motions, whether adopted or lost.
5. The name of person making motion; the seconder need not be included.
6. Summarized committee reports unless committee's written report is included.

7. All appointments and assignments.
8. Approval of minutes signed by the secretary.
9. Approval of payment of bills and acceptance of treasurer's report.
10. Time of adjournment.

Below is a list of the items to be contained in the monthly financial report:

1. Balance Sheet and checking account reconciliation.
2. List of bills paid the previous month along with the expenditure line from which each was paid.
3. List of bills to be authorized by the board for payment along with the expenditure line from which each will be paid.
4. An Income Statement, also known as a Profit and Loss Statement. All line items for each activity should be listed here. An example of this kind of statement can be found in the Michigan Conservation District Uniform Accounting Procedures Manual, Part 5, Sample Financial Statements
5. These financial reports must be completed monthly. This means that they must be done even if the monthly meeting is not held. It must also be done in the month when the annual meeting is held.
6. These financial reports should reflect activity for the entire calendar month (example, October 1 through October 31) prior to the date of the monthly meeting. For example the financial activity for the month of October should be reported at the November monthly meeting. Do not report for part of a month or parts of two months together.
7. Send copies of the monthly meeting minutes and financial reports (Balance Sheet and Income Statement) to Jim Van Arkel at the Michigan Department of Agriculture (MDA), Environmental Stewardship Division, and to your MDA Field Staff Representative.

Example: Board Meeting Minutes

(NAME) CONSERVATION DISTRICT
100 Main Street, City, Michigan 48888
Telephone 555-1234

The regular monthly meeting of the board of directors of (Name) Conservation District was called to order at 7:00 p.m. on March 6, 2002 by Chairman Taylor, held at the District office in county seat.

Directors Present: David Taylor; Brian Price; Amy Larson; Elizabeth Rivers.

Others Present: Chuck Smith, County Board Liaison; Jessica Summer, District Administrator; Scott Fall, District Forester; Eric Spring, NRCS District Conservationist.

Approval of Agenda: Summer asked that the board consider amending an agreement with Wayne Reid (placed under Item "F" of Current Business). By consensus, the agenda was approved as amended.

Guest Reports: Chuck Smith reported that:

- The District had an article in the County Seat Press regarding timber sales;
- The MDNR inspected the natural Education Reserve and was very complimentary about the improvements the District has facilitated there;
- The County Board has established a new fee schedule for Loon Lake Camp.

Consent Calendar: Action: (Items of a routine nature to be voted on with one motion - no discussion - directors and staff may remove an item and place it elsewhere on the agenda for discussion)

RECOMMENDATION: Approval

- a. Minutes of February Regular Board Meeting
- b. Bills paid in February, March list of bills
- c. Terms of employment for Ann Winter
- d. Recommendation: Receive and File

Moved by Price, supported by Rivers, to approve Items a-c of the Consent Calendar; Carried.

Current Business:

- a. Energy Transfer Grant Agreement with MDA - The board referred this item to staff and suggested that they use the grant to sponsor the Pasture Walk meeting this spring.
- b. 1998 Seedling Sale Report - the board reviewed the information regarding the 1998 sale and suggested that staff consider offering other items instead of just conifers to boost up sales. The board also suggested inserting the order form in the Review, County Seat Press, and District Newsletter.
- c. Annual Meeting Update - The board discussed the upcoming meeting and reaffirmed that staff would be making the award presentations.
- d. Amendment of Agreement with Wayne Reid - Moved by Larson, supported by Rivers, to increase the current amount of the agreement with Reid to \$2000 and to amend the scope of work by adding the coordination of three more focus groups; motion carried.

Staff Reports:

Jessica Summer, District Administrator, reported that:

- The Groundwater Program is going well, but it could use the assistance of the board members to promote the program in their communities. Taylor indicated he would be glad to pitch the program at the annual meeting;
- Her activities were covered in the written report included in the agenda packet.

Scott Fall, District Forester, reported that:

- The Inter-District Forestry Committee met last week to discuss the forestry program;
- Tree sale orders are still coming in, and it looks like it will be a record year for the tree sale program. This is primarily due to the District meeting the needs of its customers by offering small quantity stock and wildflower seed packets;
- The District's windbreak program is gaining popularity with landowners, as Fall is contracted to plant 550 acres of windbreaks this spring.

Eric Spring, NRCS, reported that:

- He completed EQIP plans and, due to the open winter, some farmers have been able to take soil samples to prepare for the implementation of the plans;

- He will attend a Grazing Conference in Gaylord tomorrow; NRCS budget has been cut across the nation and there is a \$1.6 million shortfall in Michigan.

Information and Correspondence: Summer briefly reviewed the materials included in the agenda packet.

General Discussion and Director Reports: None offered.

Adjournment: Taylor adjourned the meeting at 9:05 p.m.

THESE MINUTES STAND TO BE APPROVED.

Respectfully submitted by:

Jessica Summer

Minutes Checklist

Official minutes of a Conservation District meeting should include the following:

1. Date and place the meeting occurred.
2. Time of meeting.
3. Type of meeting (regularly scheduled meeting) (special meeting).
4. Names of directors present.
5. Names of directors absent.
6. Names of others present.
7. Name of presiding officer.
8. Approval of previous meeting record.
9. Minutes signed by secretary and validated by chairperson.
10. Motions:
 - Indicate name of maker and the name of seconder.
 - Debate - (usually omitted).
 - Amendment to motion - name of maker and name of seconder.

- Amendment passed or defeated.
- Motion passed or defeated.
- When voting by ballot or roll call, the minutes should show the number of votes on both sides.

SECTION 7 ANNUAL MEETING REQUIREMENTS

Rules for Conducting District Director Elections

Conservation District director elections are to be carried out in the following manner:

Annual Meeting Requirements

1. The district shall hold an Annual Meeting. The Annual Meeting shall be held at a date determined by the board of directors of the District.
2. A Legal Notice (see example on page 66) of the Annual Meeting must be published in the official newspaper of record for the area in which the District is located at least 45 days prior to the date of the Annual Meeting. This notice shall include the date, time, and location of the Annual Meeting, an agenda of items to be considered at the meeting, and a list of all candidates for directors of the Conservation District.
3. The Michigan Department of Agriculture shall certify director elections.
4. A director shall hold office until a successor has been elected and qualified. Vacancies shall be filled by appointment by the board until the next annual meeting. A Conservation District board shall consist of five (5) directors, elected or appointed. The directors shall designate a chairperson annually.

Length of Terms

The standard term length for a new director is four (4) years. However, in the event that a director has left his/her term early, there may be occasion to elect directors to an unfinished term(s). These terms may range from one (1) year to three (3) years.

Candidates

At least 60 days prior to the District's Annual Meeting, candidates who are residents of the District must file a petition to run for Conservation District director (see example on page 64). If the 60th day falls on a weekend, the board will decide which day is the last day petitions may be submitted. To avoid any confusion, the District should clearly state the date and time each petition is due as they are handed out. The due date information should be written on the petition.

Candidates for District director must declare which of the open terms they are seeking. The length of term for which each candidate declares is to be clearly stated on the cover of the petition circulated by that candidate.

The petition must be signed by at least five (5) residents of the District. A resident is an individual of legal age who lives in the District and can verify this by one (1) piece of identification.

Voting Qualifications

At the Annual Meeting, District residents of legal age may vote as long as they show proof of residency in the county by one (1) piece of identification. Voters will fill out a voter registration card (see example on page 67), which will be exchanged for a ballot. Due to the absentee ballot provisions, nominations from the floor will not be allowed. Write-in voting is not allowed.

Election Ballots

Candidates shall be listed on the ballot according to the length of term each is seeking (see example on page 67). Those wishing to be considered for four (4) year terms will be listed together. Those seeking vacant three (3) year terms will be listed together. The same procedure holds for candidates seeking two (2) and one (1) year terms. There shall be written instructions on the ballot to inform the voters as to how many votes for each term they may cast. These written instructions must accompany each absentee ballot as well. Voting by acclamation is not allowed.

Absentee Ballots

Individuals who wish to vote with an absentee ballot may do so by requesting a ballot in person at the district office during regular business hours or by writing to, calling or emailing the district office. Requests for absentee ballots shall be made on an individual basis only. Requests for multiple ballots are not allowed. The district will provide each absentee voter with the following:

- One ballot
- One voter registration form
- One pre-addressed envelope to return the ballot and registration

All voters requesting an absentee ballot must fill out a voter registration form, which states they are a resident of the district, and are of legal age. The completed and signed registration form and the completed absentee ballot must be sealed and returned to the district office in the pre-addressed envelope provided. These envelopes will be kept in a secured, locked box until the Annual Meeting. The Polling Officials will open the envelopes at the Annual Meeting. The Polling Officials will certify the registrations and include the ballots along with those cast at the annual meeting.

Procedure for Conducting an Election

(To Be Used By Person Conducting Election by Absentee Ballot)

1. Notice of Annual Meeting and Election will be posted in the community paper of record at least 45 days prior to the Annual Meeting.

2. Ballots will be prepared 45 days prior to the election. At that time, voters will be eligible to vote by absentee ballot.
3. Absentee voters may request a voter registration form and ballot by visiting the district office during regular business hours or by making their request by mail, phone or email.
4. The district will provide each absentee voter with the following:
 - One ballot
 - One voter registration form
 - One pre-addressed envelope to return the ballot and registration
5. Each absentee voter must sign a registration card, which states that they are a resident of the district, and are of legal age. The completed registration form and the completed absentee ballot must be sealed and returned to the district office in the pre-addressed envelope provided prior to the district's Annual Meeting.
6. These envelopes shall be kept in a secured, locked box until the Annual Meeting.
7. The envelopes will be opened, registrations will be certified and the ballots counted along with the ballots cast at the Annual Meeting.
8. All registration cards will be sorted alphabetically and checked to prevent any person(s) from voting both by absentee ballot and at the annual meeting.
9. Retain a record of those individuals who have voted by absentee ballot. Those individuals checking registration cards for the election at the annual meeting should review this record.
10. Certification of Election Results should be completed and signed by polling officials.
11. Election results will be announced at the annual meeting.

Procedure for Conducting an Election
(To Be Used by Person Conducting Election at the Annual Meeting)

1. Registration cards should be distributed prior to beginning of election.
2. The chairperson for the election, should explain "Who May Vote" by reading: In accordance with the laws of the State of Michigan, the following are eligible to vote in a conservation District election:

3. All residents of the District who are of legal age and have demonstrated residency by one (1) piece of identification, and who have not previously voted in this election, may vote.
4. Registration cards must be checked for voting eligibility requirements. If qualified to vote, then one registration card is exchanged for one ballot. NOTE: This MUST be done on a one-to-one basis between the polling official and the prospective voter. All registration cards CANNOT be collected at once and then have ballots distributed en masse.
5. Ballots must clearly show the length of term for which each candidate is seeking. Those candidates vying for four (4) year terms should be listed together. Those seeking other length terms, which have been uncompleted due to appointments by the board, should be listed according to the number of years left in those terms. There shall be written instructions on the ballot to inform the voter as to how many votes for each term they may cast. These written instructions must accompany each absentee ballot as well.
6. Procedure for Absentee Ballots. The Polling Officials will:
 - Open the sealed envelopes received from absentee voters. Make sure each envelope contains a registration card and a completed ballot.
 - Check the information on the registration card to verify that the person is eligible to vote in the election.
 - Verify that the ballot has been completed properly.
 - Once the registration is verified, include correctly completed absentee ballots along with those ballots collected at the annual meeting.
7. All ballots should be counted by polling officials in sight of the group assembled.
8. Two original copies of the Certification of Election Results (see example on page 71) should be completed and signed by polling officials.
9. Election results should be announced at the annual meeting.

Counting Votes: Certificate of Results

1. Upon completion of the voting, the polling officers open the ballot boxes and count the votes; and in no case should the ballot boxes be out of the custody of at least two polling officials until all the ballots have been counted. The counting of ballots must in all cases be public. A polling officer reads aloud the names of the candidates voted for, by taking the ballots out one at a time. The other polling officers keep the number of votes by tallies as they are read aloud. The counting

of votes is continued without adjournment until all have been counted. Note: Qualified absentee ballots shall be included in the counting of ballots. No ballot will be rejected because of illegibility if, in the opinion of the majority of the polling board, the intention of the voter can be ascertained. The candidate or candidates receiving the most votes shall be declared elected. In the event of a tie vote, the election results are decided by lot. This shall be done in public under the direction of a majority of the polling officials. An example of deciding an election by lot would be to have a disinterested person draw the winner's name from a hat or cutting of a card by candidates with high card declared winners. Whenever such action is necessary, the method for deciding the tie vote and the name of the winning candidate is recorded on the Certificate of Election Results.

2. As soon as all votes are counted, two original copies of the Certificate of Election Results (see example on page 71) are prepared stating the number of votes each candidate received. That number shall be recorded in both numerical (i.e. 10) and alpha (i.e. ten) formats. All polling officers shall sign each certificate.

Deposition of Voting Records

1. It is the duty of the District chairperson, as soon as practical after the election returns have been completed, to send to the Environmental Stewardship Division, Michigan Department of Agriculture, one of the original certificates of election results.
2. It is the duty of the District chairperson, as soon as practical after the election returns have been completed, to seal the election ballots and the registration cards and to retain them in the District files for at least six months, after which they may be destroyed, except that during this six months' period, it is his/her duty to surrender the ballots and the registration cards unopened to the Michigan Department of Agriculture, Environmental Stewardship Division, upon its request.
3. The duplicate original certificate of election results is permanently retained by the District directors in the District files.

Canvass

1. The Certificate of Election Results is permanently filed in the office of the Environmental Stewardship Division, Michigan Department of Agriculture, together with the other papers pertaining to the District. If, during a six months' period following the directors' election, any person being of the opinion that the vote of election has not been correctly counted, or has been conducted in such a manner as to render the election invalid, he/she may appear on the day appointed to canvass the returns and demand a recount of the vote, or present evidence of such improper conduct.

2. A statement of the election results is entered in the permanent records of the Michigan Department of Agriculture, Environmental Stewardship Division office.
3. No Certificate of Election Results returned from any election is set aside or rejected for want of form if the results are clearly stated.
4. A director assumes official duties after being duly elected or appointed; as soon as he/she shall take and subscribe to the Constitutional Oath of Office and the original completed and notarized Oath of Office Form (see example on page 70) is filed with the Environmental Stewardship Division, Michigan Department of Agriculture.

Forward All Documents To:

Michigan Department of Agriculture
Environmental Stewardship Division
P.O. Box 30017
Lansing, Michigan 48909

List of Forms for Use in Director Elections
And Retention Schedule

Nominating Petition

- These must be retained for at least six months. After that time, they may be destroyed.

Notice of Annual Meeting and Election of Directors

- These must be retained for at least six months. After that time, they may be destroyed.

Voter Registration and Qualification Card

- These must be retained for at least six months. After that time, they may be destroyed.

Election Ballots

- These must be retained for at least six months. After that time, they may be destroyed.

Oath of Office forms

- Copy must be retained **permanently** in District records.

Certificate of Directors Election Results

- Copy must be retained **permanently** in District records.

Example: Nominating Petition

NOMINATING PETITION (CONSERVATION DISTRICT NON-PARTISAN)

We, the undersigned, residents of the _____, in the County
(Conservation District)
of _____, and State of Michigan nominate _____,
(Name of Candidate)
_____, _____ candidate for the office
(Street Address or Rural Route) (Post Office)
of District Director to be voted for at the Conservation District Election to be held on the
_____ day of _____, _____.
(Month) (Year)

Date petition is due to the Conservation District Office _____ and the length of
(Date)
term in office _____.
(Years)

WARNING: A person who knowingly signs more petitions for the same office than there are persons to be elected to the office or signs a name other than his or her own is violating the provisions of the Michigan election law.

SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	POST OFFICE	DATE OF SIGNING		
				MONTH	DAY	YEAR
1.						
2.						
3.						
4.						
5.						

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is qualified to circulate this petition and that each signature on the petition was signed in his or her presence; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing was at the time of signing a resident of the Conservation District listed in the heading of the petition, and the elector was qualified to sign the petition.

WARNING: A CIRCULATOR KNOWINGLY MAKING A FALSE STATEMENT IN THE ABOVE CERTIFICATE, A PERSON NOT A CIRCULATOR WHO SIGNS AS A CIRCULATOR, OR A PERSON WHO SIGNS A NAME OTHER THAN HIS OR HER OWN AS CIRCULATOR IS GUILTY OF A MISDEMEANOR.

<u>CIRCULATOR – DO NOT SIGN OR DATE</u> <u>CERTIFICATE UNTIL AFTER CIRCULATING</u> <u>PETITION</u>	
Signature of Circulator	Date
Printed Name of Circulator	
Conservation District (where resident)	
Complete Address of Circulator (Street and Number or Rural Route)	Post Office

Example: Legal Notice

**NOTICE OF ANNUAL MEETING AND
ELECTION OF DIRECTORS
_____ CONSERVATION DISTRICT**

To all residents of the _____ Conservation District, notice is hereby given that on the _____ day of _____, (Year), between the hours of _____ and _____, at the (Location), in the city (township) of _____ an annual meeting and director's election will be held. On the _____ day of _____, (Year), being forty-five (45) days prior to the date of the annual meeting, absentee ballots are available for voting in this election by writing to or calling the Conservation District Office located at (location), phone (number) during the regular business hours of the District which are between the hours of _____ and _____.

Notice is also hereby given to all residents who are desiring to run for Conservation District Director in this election: petitions signed by at least five (5) residents of the Conservation District must be filed at the Conservation District Office before close of business on (date), being sixty (60) days prior to the annual meeting.

Residents are individuals of legal age who can demonstrate residency in the Conservation District via one (1) piece of identification.

Chairperson or Secretary of the Board of Directors

_____ Conservation District

Example: Voter Registration and Qualification Card

(To be used for both absentee ballot voting, and voting that takes place during the annual meeting.)

In accordance with the laws of the State of Michigan, persons who are of legal age and are a resident of this District, who can demonstrate residency by one (1) piece of identification, are eligible to vote in this election.

I, _____, do hereby certify that I am a resident of this District and have not previously voted in this election.

Address

Signature of Voter

Date

Example: Ballot

Conservation District Director Election for Four-Year Terms.
Vote for no more than _____ Directors.

- ☐ John Doe
- ☐ Jane Gray
- ☐ Mary Hill
- ☐ Max Smelt

Example: Ballot

For Partial Terms

Use for three, two, or one year terms.

Conservation District Director election for _____ year term.
Vote for no more than _____ Directors.

- ☐ Joe White
- ☐ Ron Anderson
- ☐ Nancy Smith
- ☐ Jean Falls

Helpful Hints in Conducting Director Elections

As you prepare for your Conservation District election please consider the following:

1. Make your absentee ballots a different color and print "Absentee Ballot" on the top of the ballot form. It will be important to distinguish between absentee ballots and ballots cast at the annual meeting, in case there are any questions regarding the election. It will be important to match the number of registration forms to the number of absentee ballots, as well as ballots cast at the annual meeting.
2. Ballots must clearly show the length of term for which each candidate is seeking. There shall be written instructions on the regular ballots as well as absentee ballots to inform the voter as to how many votes for each term they may cast.
3. Develop a registration list for those who vote by absentee ballot. Polling officials can use it during the annual meeting election to assure residents have not voted previously in the district election. Note: At the annual meeting, polling officials should arrange all voter registrations in alphabetical order.
4. Keep the registration forms and registration list secure, either in a locked file cabinet or drawer. Also, put the sealed envelopes containing completed absentee ballots and registration forms in a secured, locked box. This is important in order to maintain the integrity of the election process. And, it will help to guard against inadvertent or intentional tampering with the ballots.
5. Remember to notify residents that a district election is about to be held and encourage residents who are interested in running for district director and that nominating petitions (signed by at least five (5) district residents) must be in the district office at least 60 calendar days prior to the annual meeting. To avoid any

confusion, the District board will determine which day is the 60th day in the event that day falls on a weekend.

6. Each petition should clearly state the date and time it is due back in the district office. A petition process has replaced the nominating committee and residents need to know how they can run for district director.
7. Candidates for district director must declare which of the open terms they are seeking. The length of term for which each candidate declares is to be clearly stated on the cover of the petition circulated by that candidate.
8. Forty-five days prior to the annual meeting post legal notice of the annual meeting in newspaper of record for your community. Have absentee ballots and voter registrations ready. Residents may request absentee ballots up to 45 days prior to the annual meeting, by writing to or calling the district office.
9. Make sure all staff in the District office are aware of the election procedure. They may need to assist a resident who comes into or calls the office to request an absentee ballot.
10. Remember it is the District board members' responsibility to continually recruit candidates for director elections.

MICHIGAN DEPARTMENT OF AGRICULTURE
ENVIRONMENTAL STEWARDSHIP DIVISION
OATH OF OFFICE

(In accordance with Part 93 of Public Act 451 of 1994, as amended)

(PLEASE PRINT)

CONSERVATION DISTRICT NAME

I, _____, do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Michigan and that I will faithfully discharge the duties of the Office of a Conservation District Director, upon which I am now about to enter for a term of _____ year(s), expiring on ____/____/____.

CHECK ONE OF THE FOLLOWING:

- ☐ I am an appointed director, replacing _____.
- ☐ I am an elected new director, replacing _____.
- ☐ I am a re-elected director.

DIRECTOR'S TITLE	DIRECTOR'S SIGNATURE
------------------	----------------------

DIRECTOR'S HOME ADDRESS

STREET OR ROUTE	CITY	STATE	ZIP CODE
(AREA CODE) PHONE NUMBER ()	E-MAIL ADDRESS (IF AVAILABLE)		

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC. IN AND FOR THE COUNTY OF _____.

_____ the _____ day of _____, 20 ____.

Name _____ Title _____

My commission expires _____.

MICHIGAN DEPARTMENT OF AGRICULTURE
ENVIRONMENTAL STEWARDSHIP DIVISION
CERTIFICATE OF DIRECTORS ELECTION RESULTS
(In accordance with Part 93 of Public Act 451 of 1994, as amended)

(PLEASE PRINT)

CONSERVATION DISTRICT NAME

ELECTION INFORMATION

DATE	PLACE	NUMBER OF DIRECTORS TO BE ELECTED
------	-------	---

We hereby certify that the following individuals were nominated for director or directors of the _____ Conservation District and that each nominee received the indicated number of votes.

	NAME	ADDRESS	VOTES REC'D
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____

We further certify that there were _____ ballots cast in the election.

(No.)

There was/were _____ void ballot(s).

(No.)

We further certify that the following people were elected for the number of years indicated:

NAME	LENGTH OF TERM	EXPIRES ON
_____	_____	_____
_____	_____	_____
_____	_____	_____

TOTAL IN
ATTENDANCE: _____

POLLING OFFICIALS
SIGNATURES:

Annual Meeting Check List

I. Planning the Program

A. At least 3 months ahead:

- ☐ Set the date for the meeting.
- ☐ Select program and contact the speaker - determine speaker fee.
- ☐ Select and reserve the meeting location.
- ☐ Decide on a menu - determine cost for the meal.
- ☐ Select District award winners (i.e., Conservationist of the Year, Tree Farmer of the Year, Media Award, etc.).
- ☐ Order necessary awards.
- ☐ Begin writing articles for the annual report.
- ☐ Determine due date for petitions.
- ☐ Develop petition forms and distribute.

B. At least 60 days ahead:

- ☐ A candidate for Conservation District director must file at the District office, a petition signed by 5 residents of the District.
- ☐ Solicit door prizes.

C. At least 45 days ahead

- ☐ Notice of the annual meeting must be published in the official newspaper of record for the area in which the District is located. Include the date, time, and location of the annual meeting, an agenda of items to be considered at the meeting, and a list of all candidates for directors.
- ☐ Prepare absentee voter ballots and registrations.
- ☐ Prepare self-addressed return envelopes for absentee voters.

D. At least 1 month ahead:

- ☐ Prepare voter ballots.
- ☐ Take annual report to the printer.
- ☐ Send out invitations (make sure to include cooperators, county board of commissioners, township and city officials, legislators, and others).

E. At least 2 weeks ahead:

- ☐ Mail out annual report.
- ☐ Make final arrangements with speaker (audiovisuals, room setup, etc.).
- ☐ Write special newspaper article.
- ☐ Invite local news media.

II. Following the Annual Meeting

A. Election results:

- ☐ Forward completed Certificates of Election Results and Oath of Office forms to MDA within 15 days.
- ☐ Send a list of the names and titles of the board officers to MDA within 30 days of the Reorganization Meeting.

B. Evaluate the annual meeting:

- ☐ Did the meeting start and end on time?
- ☐ Did all the directors participate in the meeting?
- ☐ Were individual reports brief and to the point?
- ☐ Was a legal election held?

SECTION 8 ANNUAL REPORT

An annual report can serve as a useful device to explain Conservation District programs to the public. It is important to remember that the report should reach as many people as possible.

When assembling items for the annual report, it is a good idea to refer to the District's annual plan of work, since the annual report should reflect goals in the annual plan of work. The following outline may serve as a guide to prepare an annual report. Topics do not need to follow the same order nor should the list be considered complete.

1. History of the District

Establish that the District was organized as a unit of government under provisions of an Act of the Michigan Legislature. Provide a brief discussion of the reasons that led to the establishment of the District - illustrations of early land use problems could be included.

2. Facts About the Current Board of Directors

A picture of the current board of directors and a short article about their backgrounds should be included. This part of the report might also tell something about the District staff and their role in the District. The address of the District with telephone number and office hours should also be included.

3. Natural Resource Concerns

What are current natural resource concerns of the District as outlined in the Resource Assessment? What methods are being used to address these concerns? Mention should be made of the District's major accomplishments during the past year. Avoid using a list of accomplishments. Pictures and/or narrative descriptions of what has been done will be effective. Be concise.

4. Special Activities Carried Out by the District

Highlight any tours, meetings, or demonstrations sponsored by the District that enhanced public understanding of the importance of managing our natural resources. Mention might be made of educational material that was available for public distribution.

5. People Assisted and Practices Established

Describe practices that were established. Highlight new or much needed ones. Pictures of people and practices are very effective. Set up an article as a testimonial for a practice. Use an interview with a land user, for example.

6. Agency Cooperation and Partnerships

Discuss in what capacity various public and private agencies; such as the USDA-NRCS, Michigan State University Extension, Michigan Department of Agriculture, Michigan Department of Natural Resources and Michigan Department of Environmental Quality, county board of commissioners, local land use organizations and others cooperate with

the District in carrying out its program responsibilities. There may have been occasions when public agencies needed and received support from the District meriting publicity.

7. Funding of District Programs

The report may include an explanation of what state funds are allocated to the District and for what purposes. If the District receives financial assistance from the county, it would be appropriate to express appreciation to the county board of commissioners and their support of the District's natural resource conservation activities.

8. Plans for Next Year

Discuss in some detail the natural resource problems as identified in the District's strategic plan that the District will address in the coming year. Also indicate what actions are recommended and the priority placed on each problem. The report might list other special program activities the District has planned.

9. Record of Receipts and Disbursements

The financial statement should be current to the end of the District's fiscal year. A statement to the effect that records are subject to audit, if unaudited records are used, would be appropriate.

10. Award Winners

This may include a picture story of the District cooperator of the year, winners of contests sponsored by the District, etc. The story of an award winner might be the featured article of the report.

11. District Director Candidates

The report should carry a background story and picture of each of the candidates to help voters make decisions in selecting District leadership. A brief overview of the District election procedure may also be included.

Other Suggestions

- Avoid using various "in house" terms and acronyms, such as: D.C., cooperator, high priority goal, NRCS, CD, MDA, and others. These terms only create confusion.
- Avoid "loading" the report with articles written by state and federal agency people. Use articles of local importance and interest. Encourage agencies that partner with the District to discuss the cooperative activities undertaken with the District. This is not an agency accomplishment report.
- Remember good quality pictures are eye catching and provide an interesting way to present information in your annual report.

**SECTION 9
REPORTING, RETENTION AND DISPOSAL SCHEDULES**

Reporting Schedule to Michigan Department of Agriculture

<u>Report</u>	<u>Due Date</u>
Annual Audit	January 15
Annual Operating Agreement	As instructed
Annual Plan of Work	September 15
Annual Report	Within 30 days after the end of the fiscal year of the District
Certificate of Election Results	Within 10 days after the election date
Director's Oath of Office	Within 10 days after the election date
List of Board Officers	Within 30 days of Reorganization Meeting
District Director Mileage	As requested
Memoranda of Understanding or other Agreements	When adopted
Minutes of Regular and Special Board of Directors Meeting	10 days after meeting
Notification of Annual Meeting (including date, time, and method of election)	45 days prior to annual meeting date
Permit to handle Nursery Stock (apply to: Pesticide & Plant Pest Mgmt. Division P.O. Box 30017 Lansing, Michigan 48909)	Start applying September 1 for spring tree sales (permit is valid from November 1 through October 31).
Special publications	As prepared

Retention & Disposal Schedule

This Retention and Disposal Schedule supersedes the Retention and Disposal Schedule approved October 20, 1964. It applies to records maintained by Conservation District offices. The schedule does not apply to records that are under the jurisdiction of the U.S. Department of Agriculture (USDA) NRCS.

Item Number	Description of Item	Retain in District File
1.	Historical Documents All material relative to the establishment of the District, change of boudaries, consolidations, annexations, etc. A. Petions (nominations for CD directors) B. Hearing Minutes C. History of Organization D. Charter E. Correspondence relative to the organization of the District F. Referendum and directors' election	Permanent Permanent Permanent Permanent Permanent Permanent
2.	Long-Range Work Plans	Permanent
3.	Annual Plan of Work	Two Years
4.	Annual Reports	Permanent
5.	Minutes of Board Meetings	Permanent
6.	Annual Financial Audits/Reviews	Five Years After Audit
7.	Memorandum of Understanding	Until Inactive

8.	Financial Records A. Paid bills, deposit slips, and monthly statements B. Social Security Reports, Withholding Tax Reports, and Payroll Records C. District Ledger D. Worker's Disability Records	Three Years incl. Audit Four Years incl. Audit Five Years incl. Audit Permanent
9.	Canceled Checks and Stubs	Five Years incl. Audit
10.	District Landowner Agreements Includes farm conservation plans A. Active B. Inactive	Permanent Three Years after Termination
11.	Certificate of Annual Directors' Election	Permanent
12.	Directors' Oath of Office	Five Years
13.	Job Descriptions and Work Agreements	Permanent
14.	Grant Agreements and Contracts	Three Years after end of Contract/Agreement

SECTION 10 CONDUCTING A TREE SALE

Each spring and fall, Michigan's Conservation Districts sell a variety of high quality conservation seedlings for erosion control, wildlife habitat, reforestation, windbreaks, and many other conservation purposes. Seedling varieties generally include wildlife shrubs, hardwoods, conifers (evergreens), aquatic plants, grasses, ground covers and wildflowers. Landowners can purchase seedlings and other products from their local Conservation District.

Statutory Requirements Pertaining to Conservation Districts that Produce and Sell or Deal in Tree Planting Stock

The sale and distribution of nursery stock in Michigan is regulated by the Michigan Department of Agriculture under the Insect Pests and Plant Diseases Act (Public Act 189 of 1931, as amended). The Act's provisions apply to Conservation Districts operating a tree nursery and those reselling nursery stock. Following are the minimum requirements:

A. Districts Owning and Operating Nurseries:

Before nursery stock can be legally moved, all plant material must be inspected each year and covered by a Certificate of Inspection issued by the Michigan Department of Agriculture. A copy of the Certificate of Inspection, which may be reproduced by the District for that purpose, must accompany each plant shipment leaving the nursery. Certificates of Inspection are valid from November 1 through October 31 of the following year.

B. Districts Reselling Nursery Stock to Landowners:

Districts MUST APPLY for a Dealer's Certificate to the Pesticide and Plant Pest Management Division of the Michigan Department of Agriculture, P.O. Box 30017, Lansing, Michigan 48909. Dealer's Certificates are renewable prior to October 31. Please allow four weeks for processing. Applications should indicate the sources of the nursery stock. If there is a change in supplier after the Dealer's Certificate is issued, the Division must be notified to that effect in writing. The District may reproduce the Dealer's Certificate in quantity once it is issued. A copy must accompany each shipment of planting stock.

C. Native Plant Material:

Any plant material grown in the wild that is to be moved, sold, or given away is to be inspected and accompanied by an inspection certificate of the Michigan Department of Agriculture.

American Beachgrass is to be considered under Public Act 189 of 1931. The Michigan Department of Agriculture, Pesticide and Plant Pest Management Division must be contacted for inspection whenever American Beachgrass is transported across a legal right of way, i.e., road.

D. Commercial Pesticides Applicator's License:

If your District charges for the application of pesticides or for the use of a no-till planter or drill, sprayer, or other equipment, under the operation of a District employee through which a pesticide is being applied, the District must obtain a Commercial Applicator Certification and a Commercial Pesticide Applicators License.

NOTE: The District must still obtain a commercial pesticides applicator's license even if a contractor is doing the spraying.

To obtain your commercial license, your District must show proof of liability insurance and pass the commercial applicator's license test.

License Renewal: Each license expires on December 31. The license may be renewed by meeting the same requirements as for a new license.

E. Insurance Liability Requirements:

1. Fumigation and Right-of-Way Pest Control:

- a. Not less than \$100,000 for bodily injury for each occurrence.
- b. Not less than \$100,000 for property damage for each occurrence.
- c. A combined single limit of \$300,000 for bodily injury and property damage.

2. All Other License Categories:

- a. Not less than \$100,000 for bodily injury for each occurrence.
- b. Not less than \$25,000 for property damage for each occurrence.

The license fee is \$50 annually. Please allow four weeks to process the license.

If you have any questions or would like to know if you fit the commercial criteria, contact the MDA, Pesticide and Plant Pest Management Division, telephone: (517) 373-1087.

F. Public Act 189 of 1931:

In accordance with Section 6 of Public Act 189 of 1931, nursery stock purchased from Conservation Districts may not be resold with roots attached.

What the District Law Says About Selling Conservation Species

Section 9308 of the Conservation District Law, Public Act 451 of 1994, as amended, states the following in regard to Districts selling conservation species:

“To make available, on the terms it prescribes, to landowners or their designated representatives within the District and to other Conservation Districts in Michigan, agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings, and other material or equipment as will assist landowners or their designated representatives to carry on operations upon their lands for the conservation of farmland and natural resources and for the prevention and control of soil erosion.

“To engage in plant rescue operations and to propagate, plant, harvest, and, subject to section 9304a, sell only conservation species on the list established in section 9304a (see the appendix for more information). A Conservation District that violates this subdivision is subject to a civil fine of not more than \$100.00 per day of violation. An action to enforce this subdivision may be brought by the state or a county in the circuit court for the county in which the Conservation District is located or in which the violation occurred.”

Section 9304a. of the Conservation District Law states:

“The conservation species advisory panel is created within the department. The conservation species advisory panel shall consist of the following members selected by the director of the department and approved by the commission of agriculture:

- (a) Two representatives of the department as follows:
 - (i) One individual from the Pesticide and Plant Management Division or its successor agency.
 - (ii) One individual from the Environmental Stewardship Division or its successor agency.
- (b) One individual representing the Department of Natural Resources.
- (c) One individual representing the Natural Resources Conservation Service.
- (d) Two representatives from Michigan State University as follows:
 - (i) One individual from the Department of Horticulture or its successor department.
 - (ii) One individual from the Department of Forestry or its successor department.
- (e) One individual representing Conservation Districts.

(f) One individual from a statewide organization representing nursery and landscaping interests in the state.

(g) One individual from a statewide organization representing seedling growers' interests in the state.

By December 1 of each year, the conservation species advisory panel shall establish a list of conservation species for the following calendar year that may be propagated, planted, harvested, sold, or rescued as part of a plant rescue operation. However, conservation species on this list that are propagated, planted, or rescued during that calendar year may be sold, removed, or reestablished in subsequent years even if the species is removed from the list in a subsequent year.

A copy of the current Conservation Species List should be on file at every Conservation District office. For more information, please contact the Michigan Department of Agriculture, Pesticide and Plant Pest Management Division at (517) 373-1087.

SECTION 11 PARTNERS

Conservation Districts partner with many local and statewide groups and organizations. However, the two main agencies that assist with Conservation Districts are:

- Michigan Department of Agriculture
- USDA Natural Resources Conservation Service

There are also three main non-profit organizations that assist Districts:

- Michigan Association of Conservation Districts
- Michigan Association of Conservation District Employees
- National Association of Conservation Districts

Michigan Department of Agriculture (MDA)

The Conservation District Act provides for the Michigan Department of Agriculture to coordinate programs of the various Conservation Districts, assist in planning local programs, assure that each District is operated and maintained as an entity of government and to administer state allocated grants to Conservation Districts. The Environmental Stewardship Division staff of the Michigan Department of Agriculture carries out local District administration assistance and program coordination functions.

Under this arrangement the **Conservation District:**

Must:

- Submit an annual audit report, a copy of its annual report, and its regular and special meeting minutes to the Michigan Department of Agriculture.
- Notify the Michigan Department of Agriculture of the time and place of the annual meeting and method of election; submit director election certificate and oaths of office.
- Upon request, submit other documents and information necessary to maintain the District as an entity of government.

May:

- Request assistance in planning and implementing its program.

In turn, the **Michigan Department of Agriculture**

Must:

- Arrange for cooperation and financial and other assistance to Districts from state and federal governmental units.
- Offer assistance to local Districts in carrying out their statutory responsibilities.
- Approve and coordinate local programs.
- Disseminate natural resource conservation information.
- Certify election results and audit reports.
- Conduct and supervise procedures which assure that each organized Conservation District is maintained and operated as an entity of government as provided in Public Act 267, the Open Meetings Act.
- Keep a file of all legal documents required to maintain each District as an entity of government.

May:

- Require such documents and reports as needed to assist in coordinating all conservation programs.
- Develop printed materials to assist Districts in promoting soil and water conservation among the general public.
- Develop and conduct training programs for directors and staff to assist in effective District program development and implementation.

For more information on MDA visit their website at: www.michigan.gov/mda

USDA Natural Resources Conservation Service (NRCS)

The USDA Natural Resources Conservation Service (NRCS) is a federal agency with the very general goal of natural resource conservation. Primarily working on farm resource conservation, the NRCS also deals with other private and public resources. A Memorandum of Understanding was executed between the USDA NRCS and the District at the time of its organization. This agreement allows the Conservation District to utilize the technical service of the NRCS. Most Districts have a NRCS employee called the NRCS Conservationist. In general, the agreement says that the NRCS:

1. Will assign technical personnel to the District.
2. Will provide assistance in accordance with District's annual plan.

3. Will consult with Districts in advance when personnel and/or assistance changes are to be made.
4. Will notify Districts in advance when changes are to be made.
5. May provide office facilities.

For more information on NRCS visit their website at: www.nrcs.usda.gov.

Michigan Association of Conservation Districts (MACD)

The Michigan Association of Conservation Districts (MACD) is a non-governmental, non-profit organization established to represent and provide services to Michigan's 82 Conservation Districts. It was organized in 1940 as Michigan Soil Conservation Districts Incorporated, which became the Michigan Association of Conservation Districts in 1978.

The MACD represents its members at the state level by working with legislators, cooperating agencies, and special interest groups whose programs affect the care and management of Michigan's natural resources, especially on private lands. At the national level, the state association coordinates its activities with and supports the National Association of Conservation Districts to keep the public, Congress, U.S. Department of Agriculture, and environmental interest groups aware of the nation's natural resource conservation needs.

The state association serves its members by providing timely communications and information, educational and leadership development programs, and forums where issues of mutual concern can be discussed and solutions shared. MACD also conducts campaigns and programs that strengthen objectives and programs of local districts, and encourage land users to adopt conservation programs that protect natural resources.

For the purpose of the association, the Districts are organized into ten (10) geographic regions. MACD is governed by thirteen (13) council members each representing one of the ten regions, plus three (3) officers. The MACD State Council members are District directors who have accepted the added responsibility of representing their regions. MACD is supported by member District dues, grants, and contributions from: District directors and employees, agency personnel, renewable resource-based industries, business and organizations, educators, and other individuals concerned about the wise care and management of the state's natural resources.

For more information on MACD visit their website at: www.macd.org

Michigan Association of Conservation District Employees (MACDE)

The Michigan Association of Conservation District Employees (MACDE) is a private organization formed by District employees across the state. Its general goal is to represent the needs of some 200 District employees.

A board of directors, made up of one District employee from each of the 10 MACD regions across the state, governs it. MACDE uses its large group buying power to procure things like the group health plan from Blue Cross and Blue Shield.

For more information on MACDE, visit their website at: www.macde.org

National Association of Conservation Districts (NACD)

The National Association of Conservation Districts (NACD), formed in 1946, is a non-governmental, non-profit organization, which represents more than 3000 Conservation Districts nationally. The NACD maintains offices in Washington D.C. and has regional representatives located throughout the country. It provides timely communications and information, educational and leadership development programs, and forums. The NACD has established a strong voice on soil, water and other natural resource concerns at the national level.

The NACD conducts campaigns and programs that strengthen objectives and programs of local Districts, and encourages land users to adopt conservation programs that protect soil, water, and related natural resources.

For more information on NACD, visit their website at: www.nacdnet.org

Districts Partnering With Districts

Many of Michigan's Conservation Districts most important partners are each other. Districts partner with other Districts for a variety of reasons: sharing programs, staff, equipment, and advertising and promotional campaigns. It is a good idea for Districts to sign a Memorandum of Understanding if two or more Districts are partnering together.

There are several grant programs (Conservation Reserve Enhancement Program, Forestry Assistance Program, Groundwater Stewardship Program, etc.) that are implemented between Districts that specify the roles and responsibilities of "Host Districts" (Districts who are administering the program) and "Non-Host Districts" (Districts whose counties are included in the grant program but are not administering the grant).

The following is a list of roles and responsibilities that is recommended by the Michigan Department of Agriculture, Environmental Stewardship Division for Host and Non-Host Districts:

Host Districts (Conservation District board through the administrator/executive director):

- Daily supervision of grant employee
- Participate at meetings related to the grant program
- Ensure proposal deliverables are met
- Accountability (budget, time, performance appraisal, appropriate expenditures, documentation of work completed)
- Establish salary and administrative budget
- Computer/internet/network support
- Promote and advertise availability of Michigan Groundwater Stewardship Program services
- Administrative/Clerical support for technician or AmeriCorps (the minimum to include: copying, printing, word processing support, taking messages, keeping a copy of groundwater technician's calendar)
- Continuity of AmeriCorps and technicians
- Keep staff focused on work that supports Michigan Groundwater Stewardship Program mission
- Hire, discipline, reward and fire staff
- Help AmeriCorps and technicians succeed
- Write grant proposal. The local Groundwater Stewardship Team may want to just provide input on what is to go in the grant proposal and then host site and non-host site personnel and groundwater technician will write the proposal with review by the Team.

Non-Host Districts (Conservation District board through the administrator/ executive director; these are the minimum expectations):

- Participate at local Groundwater Stewardship Team meetings
- Give farmer referrals

- Route requests for services
- Sometimes provide office space

Host Districts may delegate or share some of their responsibilities with the Non-Host Districts.

Other Partners in Conservation

U.S.D.A. Farm Services Agency (FSA)

A federal agency that provides cost share moneys for federally driven programs. Most of this cost share money is for farming related activities. Assists the District board with the establishment of the local work group, which develops resource issues for submission for funding under federal USDA programs. Many Conservation Districts are in buildings with an FSA office (a.k.a. the USDA Service Unit). For up-to-date information on FSA programs, visit their website at: www.fsa.usda.gov.

Michigan State University Extension (MSUE)

This federal Michigan State University partnership provides local experts in agronomy, horticulture, home economics, etc. Even though extension agents are not located in every county, they do try to cover all of Michigan. MSUE staff serves as another source of information and assist Districts in demonstration and education programs, which promote interest in, and understanding of conservation needs, problems and solutions. Many Districts have an extension person attend District board meetings. For more information on MSUE and their on-going programs, visit their website at: www.msue.msu.edu.

Resource Conservation and Development (RC&D)

Currently in Michigan there are seven Resource Conservation and Development (RC&D) areas, which cover most Districts. RC&Ds provide a multipurpose approach to resource management. Conservation Districts provide membership to the area RC&D council and generally pay RC&D dues. In Michigan, the RC&Ds have organized themselves into non-profit organizations. They administer grant projects for and through Conservation Districts. Staff assistance is provided by NRCS and many of the RC&Ds have hired additional staff. Ask your administrator/executive director for detailed information regarding your RC&D area.

Agricultural Experiment Station (AES)

The Agricultural Experiment Station (AES) is part of Michigan State University. The AES conducts research and demonstrations in the area of agriculture and natural resources. There are several research stations located around Michigan. Conservation Districts can cooperate with AES in conducting on-farm or in-forest demonstrations and research. AES specialists are available to provide input into Conservation District programs and in conducting technical workshops for landowners. For more information, contact your local MSU Extension agent or visit their website at: www.maes.msu.edu.

County Drain Commissioner

County drain commissioners are locally elected officials charged with providing for local water management. All counties with a population of over 12,000 should have an elected county drain commissioner. In smaller counties, the county road commission is often the responsible authority. Conservation Districts have entered into agreements with their county drain commissioner relative to drain maintenance activities and inspections.

Michigan Department of Natural Resources (MDNR)

The Michigan Department of Natural Resources (MDNR) is responsible for the management of the state natural resources especially as it relates to state-owned land. The divisions that Conservation Districts have the most contact with are listed below. For more information on MDNR divisions and programs, visit their website at: www.michigan.gov/dnr.

Forestry Division - Provides technical assistance to private woodland users through the Forestry Assistance Program. Assists Districts with forestry programs.

Wildlife Division - Provides grants to Conservation Districts to provide technical assistance in establishing improved wildlife habitat on private lands.

Michigan Department of Environmental Quality (MDEQ)

The Michigan Department of Environmental Quality (MDEQ) is responsible for enforcement of many natural resource and environmental regulations including wetlands, surface water quality, and soil erosion and sedimentation control. MDEQ also provides grants to Conservation Districts to conduct non-point source pollution control programs on a watershed basis. This federal program is known as the 319 watershed program and it is administered through the Water Division. For more information on MDEQ divisions and programs, visit their website at: www.michigan.gov/deq.

Other Organizations

Many Districts have working agreements and/or memoranda of understanding with other local, state and federal agencies, which define specific roles of these agencies in District programs. In addition, there are many organizations that Conservation Districts can and will interact with, such as: Pheasants Forever, Ducks Unlimited, land conservancies, other environmental groups, foundations, local and state governmental officials, businesses, etc. These organizations can be a source of funding, resources, or other program support. They broaden the Districts' network and extend its power to get conservation accomplished for the good of the citizens of the District.

APPENDIX A ACRONYMS

The use of acronyms is a common practice in today's world. Government units are not alone. Every business, society, and profession have their own set of acronyms they use. Acronyms used in District activities are often confusing to those unfamiliar with it. Following is a list of common acronyms you may see in everyday District business.

AES - Agriculture Experiment Station. Part of Michigan State University.

AOA - Annual Operating Agreement. Document that describes the work and operational agreement between an individual conservation District and its corresponding NRCS field office.

ASTC - Assistant State Conservationist.

AFO - Animal Feeding Operations. Agricultural enterprises where animals are kept and raised in confinement.

CAFO - Concentrated Animal Feeding Operations. Those animal feeding operations with 1,000 or more animal feeding units.

CCA - Certified Crop Advisor.

CD - Conservation District.

CES (now MSUE) - Cooperative Extension Service. Term formerly used to describe Michigan State University Extension.

CET - Civil Engineering Technicians.

CMI - Clean Michigan Initiative. Bond initiative passed to fund various environmental programs in the State of Michigan.

CNMP - Comprehensive Nutrient Management Plan.

CREP - Conservation Reserve Enhancement Program.

CRP - Conservation Reserve Program.

CSP - USDA Conservation Security Program.

CWA - Cooperative Working Agreement. Document that defines the working relationship between USDA NRCS, the Michigan Conservation Districts and the Michigan Department of Agriculture.

DC - District Conservationist. (USDA NRCS) person who has overall supervision of a NRCS service unit.

DEQ or MDEQ - Michigan Department of Environmental Quality.

DNR or MDNR - Michigan Department of Natural Resources.

ESD - Environmental Stewardship Division. Part of the Michigan Department of Agriculture (MDA) that has administrative oversight of Conservation District activities.

EBI - Environmental Benefits Index. Criteria used to determine enrollment of land in CRP.

EI - Erosion Index.

EPA or USEPA - U.S. Environmental Protection Agency.

EQIP - Environmental Quality Incentives Program. Federal program that provides funds on a competitive basis for cost-share. This was part of the 1996 Farm Bill.

FAP – Forestry Assistance Program.

FAS - Farm*A*Syst. A risk assessment tool for farms.

FCA - Farm Credit Agency.

FEMA - Federal Emergency Management Act. Federal agency that provides disaster relief.

FIP - Forestry Incentives Program. Federal program providing assistance for forestry.

FLEP - Forest Land Enhancement Program.

FOCS - Field Office Computing System. NRCS database used for documenting conservation planning efforts.

FOIA - Freedom of Information Act.

FOTG - Field Office Technical Guide.

FSA - USDA Farm Services Agency.

GAAMP - Generally Acceptable Agricultural and Management Practices.

GAC - Groundwater Advisory Council.

GIS - Geographic Information Systems.

GPS - Global Positioning System.

HEL - Highly Erodible Land.

ICM - Integrated Crop Management.

IPM - Integrated Pest Management.

LAN/WAN - Local Area Network/Wide Area Network. Information transfer and management systems involving phones, internet, etc., used in USDA Service Centers.

MABA - Michigan Agri-Business Association.

MACD - Michigan Association of Conservation Districts. A non-profit organization that supports the work of Districts throughout the state.

MACDE - Michigan Association of Conservation District Employees.

MAEAP - Michigan Agriculture Environmental Assurance Program.

MARI - Manure Application Risk Index.

MDA - Michigan Department of Agriculture.

MDEQ or DEQ - Michigan Department of Environmental Quality.

MDNR or DNR - Michigan Department of Natural Resources.

MDOT - Michigan Department of Transportation.

MGSP - Michigan Groundwater Stewardship Program. A state program providing technical assistance and cost-share to farmers and landowners to identify and decrease risk to groundwater from pesticide and nitrogen fertilizer contamination. Administered through MDA.

MMSP - Manure Management Systems Plan.

MOU - Memorandum of Understanding. Agreements between agencies on how they will support each others activities.

MSUE - Michigan State University Extension.

MUCC - Michigan United Conservation Club.

NACD - National Association of Conservation Districts. A non-profit organization that supports the work of districts nationwide.

NASCA - National Association of State Conservation Agencies. State agencies that have administrative oversight of their respective state conservation Districts. MDA is the state conservation agency in Michigan.

NPDES - National Pollutant Discharge Elimination System (Permit).

NRCS - USDA Natural Resource Conservation Service.

OMB - U.S. Office of Management and Budget. Federal agency that has regulatory authority on budget and management and budget issues.

PDR - Purchase of Development Rights.

PL-566 - Federal NRCS program that focuses on small watersheds and projects that provide flood control.

PLTAG - Private Lands Technical Assistance Grants.

PRMS - Performance and Results Measurement System. Internet based reporting system developed by USDA NRCS.

PSNT – Pre-Sidedress Nitrate Testing.

RC - Resource Conservationist. (USDA NRCS) person assigned to the District office. The person who is responsible for NRCS programs in the local NRCS field office

RC&D - Resource Conservation and Development. Non-profit organizations staffed by NRCS employees. RC&Ds help communities improve their economies and quality of life through wise use and development of natural resources.

RTF - Right To Farm.

RUSLE - Revised Universal Soil Loss Equation. A formula used to determine the amount of erosion from a given field under varying circumstances. Replaces USLE or the Universal Soil Loss Equation.

SCT - Soil Conservation Technician.

SIP - Stewardship Incentives Program. Federal program providing assistance for forestry programs.

TMDL - Total Maximum Daily Load.

319 - Federal EPA program that provides funds for water quality programs. This program is administered by MDEQ.

TSP - Technical Service Provider.

USDA - United States Department of Agriculture.

USDOI - United States Department of the Interior.

USF&WS - United States Fish and Wildlife Service. Within the United States Department of the Interior (DOI).

USFS - United States Forest Service.

USGS - United States Geological Survey.

WHIP - Wildlife Habitat Incentives Program.

WRP - Wetlands Reserve Program. Federal program to improve wetlands.

APPENDIX B TAX FORM SAMPLES

Some tax forms may be obtained by visiting the web addresses listed below. Examples of the forms districts use are as follows:

- 941 Employer's Quarterly Federal Tax Return
- W-4 Employee's Withholding Allowance Certificate
- W-2 Wage and Tax Statement for Local, State and Federal
- W-3 Transmittal of Wage and Tax Statement
- 1099-MISC Miscellaneous Income
- SS-8 Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding
- I-9 Employment Eligibility Verification
- MI-W4 Employee's Michigan Withholding Exemption Certificate
- Annual Return for Sales, Use and Withholding Taxes

Information about Federal taxes and tax forms can be obtained at the IRS Website:
<http://www.irs.gov/>

Information about State of Michigan taxes and tax forms can be obtained at the Michigan Department of Treasury Website: michigan.gov/treasury/0,1607,7-121-1751---,00.html

Note: Not all tax forms are available on-line.

APPENDIX C CONSERVATION DISTRICT LAW

Public Act 463 of 1998

STATE OF MICHIGAN
89TH LEGISLATURE • REGULAR SESSION OF 1998

Introduced by Reps. Llewellyn, McNutt, Hammerstrom, Wetters, Kukuk, Gilmer, Oxender, Varga, Middaugh, Dalman, Bodem, Brater, Brackenridge, Jelinek and Voorhees

ENROLLED HOUSE BILL No. 5793

AN ACT to amend 1994 PA 451, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to provide certain appropriations; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," by amending sections 9301, 9302, 9303, 9304, 9305, 9307, 9308, 9310, 9312, and 9313 (MCL 324.9301, 324.9302, 324.9303, 324.9304, 324.9305, 324.9307, 324.9308, 324.9310, 324.9312, and 324.9313), as added by 1995 PA 60, and by adding section 9304a; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Sec. 9301

As used in this part:

- (a) "Agency of this state" includes the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state.
- (b) "Board or conservation district board" means the governing body of a conservation district.
- (c) "Compliance assistance agent" means an individual who provides technical assistance to individuals, organizations, agencies, or others to aid them in complying with federal and state laws and local conservation ordinances.
- (d) "Conservation species" means those plant species beneficial for conservation practices as authorized by the conservation species advisory panel.
- (e) "Conservation species advisory panel" means the conservation species advisory panel created in section 9304a.
- (f) "Department" means the department of agriculture.
- (g) "Director" means 1 of the members of the conservation district board, elected or appointed in accordance with this part.
- (h) "District" or "conservation district" means a governmental subdivision of this state, and a public body corporate and politic, organized in accordance with this part, for the purposes, with the powers, and subject to the restrictions set forth in this part.
- (i) "Government" or "governmental" includes the government of this state, the government of the United States, and any subdivision, agency, or instrumentality, corporate or otherwise, of either of them.
- (j) "Landowner" includes any person who holds title to or has contracted to purchase any land lying within a district organized under this part or former 1937 PA 297.
- (k) "Person" means an individual, partnership, or corporation.
- (l) "Plant rescue" means to physically move native conservation species of plants from 1 location in Michigan to another location in Michigan for the purpose of reestablishing the native conservation species.
- (m) "Resident" means a person who is of legal age to vote and can demonstrate residency in the district via 1 piece of identification.
- (n) "State" means this state.

(o) "United States" or "agencies of the United States" includes the United States of America, the natural resources conservation service of the United States department of agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

Sec. 9302

It is the policy of the legislature to provide for the conservation of the natural resources of the state, including soil, water, farmland, and other natural resources, and to provide for the control and prevention of soil erosion, and thereby to conserve the natural resources of this state, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state.

Sec. 9303

(1) The business that a conservation district board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, in addition to any other notice prescribed in this part.

(2) A writing prepared, owned, used, in the possession of, or retained by a conservation district board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

Sec. 9304

In addition to the other duties and powers conferred upon the department under this part, the department has the following duties and powers:

(a) To offer such assistance as may be appropriate to the directors of conservation districts in implementing any of their responsibilities under this part and as otherwise provided by law.

(b) To keep the directors of each of the districts informed of the activities and experience of all other districts and to facilitate an interchange of advice and experience between the districts and cooperation between them.

(c) To approve and coordinate the programs of all conservation districts.

(d) To secure the cooperation and assistance of the United States and any of its agencies, and the state and any of its agencies, in the work of the districts, and to formulate policies and procedures as the department considers necessary for the extension of aid in any form from federal or state agencies to the districts.

(e) To disseminate information throughout the state concerning the activities and programs of the conservation districts and to encourage the formation of districts in areas where their organization is desirable.

Sec. 9304a

(1) The conservation species advisory panel is created within the department. The conservation species advisory panel shall consist of the following members selected by the director of the department and approved by the commission of agriculture:

(a) Two representatives of the department as follows:

(i) One individual from the pesticide and plant management division or its successor agency.

(ii) One individual from the environmental division or its successor agency.

(b) One individual representing the department of natural resources.

(c) One individual representing the natural resource conservation service.

(d) Two representatives from Michigan state university as follows:

(i) One individual from the department of horticulture or its successor department.

(ii) One individual from the department of forestry or its successor department.

(e) One individual representing conservation districts.

(f) One individual from a statewide organization representing nursery and landscaping interests in the state.

(g) One individual from a statewide organization representing seedling growers' interests in the state.

(2) By December 1 of each year, the conservation species advisory panel shall establish a list of conservation species for the following calendar year that may be propagated, planted, harvested, sold, or rescued as part of a plant rescue operation. However, conservation species on this list that are propagated, planted, or rescued during that calendar year may be sold, removed, or reestablished in subsequent years even if the species is removed from the list in a subsequent year.

Sec. 9305

(1) Boundaries of conservation districts shall include cities, townships, and incorporated villages.

(2) A conservation district's board may petition the department to change the district's name. The petition form shall be provided by the department. The department shall give due consideration to the petition and, if the request is determined to be needed and practical, shall approve the change in name and request the secretary of state to enter the new name in the secretary of state's official records of the district.

Sec. 9307

(1) A conservation district board shall consist of 5 directors, elected or appointed as provided in this part. The directors shall designate a chairperson annually.

(2) The term of office of each director shall be 4 years. All directors shall be elected at an annual meeting by residents of the district. The election shall be nonpartisan and the directors shall be elected by the residents of the district at large. At least 60 days prior to the annual meeting, a candidate for conservation district director must file at the conservation district office, a petition signed by 5 residents of the district. A candidate must be a resident of the district. The annual meeting shall be held within 30 days following the close of the fiscal year of the district. The fiscal year of the district shall be determined by the board of directors of the district. Notice of the annual meeting shall be published in the official newspaper of record for the area in which the district is located at least 45 days prior to the date of the annual meeting. This notice shall include the date, time, and location of the annual meeting, an agenda of items to be considered at the meeting, and a list of all candidates for directors of the conservation district. A resident of a district who is unable to attend the annual meeting may vote for the directors of the conservation district by absentee ballot at the conservation district office during regular business hours of the conservation district office at any time after publication of the notice and prior to the annual meeting. Director elections shall be certified by the department. A director shall hold office until a successor has been elected and qualified. Vacancies shall be filled by appointment by the board until the next annual meeting.

(3) A majority of the directors constitutes a quorum, and the concurrence of a majority in any matter within their duties is required for its determination. A director is entitled to expenses, including traveling expenses necessarily incurred in the discharge of his or her duties. A director may be paid a per diem for time spent undertaking his or her duties as a director in an amount not to exceed the per diem paid to a member of the commission of agriculture.

(4) The directors may employ a secretary, technical experts, and such other officers, agents, and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties, and compensation. The directors may call upon the attorney general of the state for legal services as they may require. The directors may delegate to their chairperson, to 1 or more directors, or to 1 or more agents or employees any powers and duties that they consider proper. The directors shall furnish to the department, upon request, copies of ordinances, rules, regulations, orders, contracts, forms, and other documents that they adopt or employ, and any other information concerning their activities that the department may require in the performance of its duties under this part.

(5) The directors shall provide for the execution of surety bonds for all employees and officers who are entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, regulations, and orders issued or adopted; shall provide for an annual audit of the accounts of receipts and disbursements; and shall maintain accurate financial records of receipts and disbursements of state funds, which records shall be made available to the department. Any director may be removed by the department upon notice and hearing for neglect of duty or malfeasance in office, but for no other reason.

(6) The directors may invite the legislative body of any municipality or county located near the territory comprised within the district to designate a representative to advise and consult with the directors of the

district on all questions of program and policy that may affect the property, water supply, or other interests of the municipality or county.

Sec. 9308

(1) A conservation district organized under this part constitutes a governmental subdivision of this state and a public body corporate and politic, exercising public powers, and a conservation district and the conservation district's board has all of the following powers, in addition to powers otherwise granted in this part:

(a) To conduct surveys, investigations, and research relating to the conservation of farmland and natural resources, to publish the results of the surveys, investigations, or research, and to disseminate that information upon obtaining the consent of the landowner or the necessary rights or interest in the lands. In order to avoid duplication of research activities, a district shall not initiate any research program except in cooperation with the government of this state or any of its agencies or with the United States or any of its agencies.

(b) To conduct demonstrational projects within the district on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction of the lands, and on any other lands within the district upon obtaining the consent of the owner of the lands or the necessary rights or interest in the lands, in order to demonstrate by example the means, methods, and measures by which farmland and natural resources may be conserved and soil erosion in the form of soil blowing and soil washing may be prevented and controlled.

(c) To carry out preventive and control measures within the district including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and other measures to achieve purposes listed in declaration of policy, on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction of the lands, and on any other lands within the district upon obtaining the consent of the landowners or the necessary rights or interests in the lands.

(d) To cooperate or enter into agreements with and, within the limits of appropriations made available to it by law, to furnish financial or other aid to any agency, governmental or otherwise, or any landowner within the district or his or her designated representative, in the conducting of erosion control and prevention operations within the district, subject to conditions as the directors consider necessary to advance the purposes of this part.

(e) To obtain options upon and to acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, any property, real or personal, or rights or interests in that property; to maintain, administer, and improve any properties acquired, to receive income from the properties, and to expend income in carrying out the purposes and provisions of this part; and to sell, lease, or otherwise dispose of any of its property or interests in property in furtherance of the purposes and provisions of this part.

(f) To make available, on the terms it prescribes, to landowners or their designated representatives within the district and to other conservation districts in Michigan, agricultural and engineering machinery and equipment, fertilizer, seeds, and seedlings, and other material or equipment as will assist landowners or their designated representatives to carry on operations upon their lands for the conservation of farmland and natural resources and for the prevention and control of soil erosion.

(g) To engage in plant rescue operations and to propagate, plant, harvest, and, subject to section 9304a, sell only conservation species on the list established in section 9304a. A conservation district that violates this subdivision is subject to a civil fine of not more than \$100.00 per day of violation. An action to enforce this subdivision may be brought by the state or a county in the circuit court for the county in which the conservation district is located or in which the violation occurred.

(h) To provide technical assistance to other conservation districts.

(i) To construct, improve, and maintain structures as may be necessary or convenient for the performance of any of the operations authorized in this part.

(j) To develop comprehensive plans for the conservation of farmland and natural resources and for the control and prevention of soil erosion within the district or other conservation districts. The plans shall specify, in such detail as is possible, the acts, procedures, performances, and avoidances that are necessary or desirable for the effectuation of the plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land; and to publish the plans and information described in this subdivision and bring them to the attention of residents of the district.

(k) To take over, by purchase, lease, or otherwise, and to administer any farmland and natural resource conservation project located within its boundaries undertaken by the United States or any of its agencies or by this state or any of its agencies; to manage, as agent of the United States or any of its agencies or of this state or any of its agencies, any farmland and natural resource conservation project within its boundaries; to act as agent for the United States or any of its agencies or for this state or any of its agencies in connection with the acquisition, construction, operation, or administration of any farmland and natural resource conservation project within its boundaries; to accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies or from this state or any of its agencies, and to use or expend the money, services, materials, or other contributions in carrying on its operations; and to accept money, gifts, and donations from any other source not specified in this subdivision.

(l) To sue and be sued in the name of the district; to have a seal that is judicially noticed; to have perpetual succession unless terminated as provided in this part; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers; and to make, and from time to time amend and repeal, rules and regulations in a manner that is not inconsistent with this part to carry into effect its purposes and powers.

(m) To borrow money for facilities or equipment for conservation purposes and pledge the assets of the district as collateral against loans. Any money borrowed shall be solely the obligation of the conservation district and not the obligation of the state or any other public entity in the state.

(n) As a condition to the extension of any benefit under this part to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the directors may require contributions in money, services, materials, or otherwise to any operation conferring the benefits, and may require landowners to enter into and perform agreements or covenants as to the permanent use of the lands that will tend to prevent or control erosion on those lands.

(o) To act as a compliance assistance agent for other federal, state, and county laws.

(p) To act as the enforcing agency for a county if designated under section 9105.

(2) Unless authorized by the county board of commissioners of each county in which a conservation district is located, a conservation district shall not enforce state or federal laws.

(3) Unless otherwise specifically provided by law, provisions with respect to the acquisition, operation, or disposition of property by other public bodies are not applicable to a district organized under this part.

Sec. 9310

(1) Agencies of this state that have jurisdiction over, or are charged with the administration of, any state owned lands, and agencies of any county or other governmental subdivision of the state that have jurisdiction over, or are charged with the administration of, any county owned or other publicly owned lands, lying within the boundaries of any district, shall cooperate to the fullest extent with the directors of the districts in the effectuation of programs and operations undertaken by conservation districts under this part. The directors of the districts shall be given free access to enter and perform work upon such publicly owned lands.

(2) The board of a conservation district may cooperate with and enter into agreements with a county, township, municipality, or other subdivision of state government in implementing soil, water, and related land use projects. A county, township, municipality, or other subdivision of state government through its governing body may cooperate with and enter into agreement with conservation districts in carrying out this part and may assist districts by providing them with such materials, equipment, money, personnel, and other services as the governmental unit considers advisable.

Sec. 9312

(1) One or more conservation districts may petition the department for a revision in the boundaries of 1 or more conservation districts. The department shall not take action on the petition unless it is signed by a majority of the directors of each of the districts involved in the proposed revision. Within 30 days after receipt of a proper petition, the department shall cause notice of hearing to be given to the residents in the area or areas affected by the proposed revision as identified by the directors of a district and within 60 days hold a hearing to receive comments relative to the proposed change.

(2) The department shall determine if the proposed revision as petitioned for is desirable. If it finds in the affirmative, the department shall issue an order that states that the boundaries of the districts are to be

moved, merged, consolidated, or separated at a date specified in the order and includes the name and the revision of the boundaries of the revised district or districts.

(3) Upon transmission of the order to the secretary of state, a certificate of due organization under seal of the state shall issue, if necessary, to the directors of the district as provided in this part. The revised district or districts shall have the same powers, duties, and functions as other districts organized under this part.

(4) The department shall appoint the first board of directors of the revised district, 1 of whom shall be appointed for a term of 1 year, 2 for a term of 2 years, and 2 for a term of 3 years. Thereafter, directors shall be elected as provided in section 9307.

(5) All assets, liabilities, records, documents, writings, or other property of whatever kind of the districts of which the consolidated district is composed shall become the property of the consolidated district, and all agreements made by, and obligations of, the former districts shall be binding upon and enforceable by the consolidated district. At the date specified in the departments order, the districts of which the consolidated district is composed shall cease to exist, and their powers and duties shall cease after that date. The consolidated district shall be governed by this part.

Sec. 9313

The necessary expenses of any conservation districts shall be made from appropriations made for those purposes.

Enacting section 1. Sections 9306 and 9311 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.9306 and 324.9311, are repealed.

Enacting section 2. Section 9307 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.9307, as amended by this amendatory act, takes effect June 1, 1999.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved

Governor.